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सं. 41] नई दिल्ली, अक्टूबर 3—अक्टूबर 9, 2004, शनिवार/आश्विन 11—आश्विन 17, 1926
No. 41] NEW DELHI, OCTOBER 3—OCTOBER 9, 2004, SATURDAY/ASVINA 11—ASVINA 17, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 20 सितम्बर, 2004

का.आ. 2501.—सरकारी स्थान (अनाधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार नीचे सारणी के कालम (1) में वर्णित अधिकारी को सरकार के राजपत्रित अधिकारी होने के नाते कथित सारणी के कालम (2) में विनिर्दिष्ट उनके संबंधित लोक परिसरों के क्षेत्राधिकार की सीमाओं के अंदर कथित अधिनियम के प्रयोजनार्थ सम्पदा अधिकारी नियुक्त करती है और कथित अधिकारी कथित अधिनियम के अंतर्गत अथवा उसके द्वारा सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेगा तथा सौंपे गए कर्तव्यों का निर्वहन करेगा :—

सारणी

अधिकारी का नाम	सरकारी आवास की श्रेणी एवं स्थानीय क्षेत्राधिकार
कमान्डेन्ट (स्टाफ), कार्यालय पुलिस उप महानिरीक्षक, केन्द्रीय रिजर्व पुलिस बल, आर. के. पुरम, नई दिल्ली।	नेहरू नगर, नई दिल्ली में केन्द्रीय रिजर्व पुलिस बल का अथवा उसके लिए पट्टे पर लिया गया अथवा अधिग्रहित परिसर

[सं. ए-11-1/2003-प्रशा.-1 (स.अ.)
केरिपु बल/गृह मंत्रालय/पी.एफ.-3]
एम. एस. कलानिया, अवसर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 20th September, 2004

S.O. 2501.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent to the rank of Gazetted Officer of the Government, to be Estate Officer for the purposes of the said Act, and the said officer shall exercise the powers conferred, and perform the duties imposed, on the estate officers by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Commandant (Staff Officer), Office of the Deputy Inspector General of Police, Central Reserve Police Force, R. K. Puram, New Delhi	Premises belonging to or taken on lease or requisitioned by or on behalf of Central Reserve Police Force at Nehru Nagar, New Delhi

[F. No. A-11-1/2003-Adm.-1 (E.O.)/CRPF/MHA/PF-III]

M. S. KALANIA, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 24 सितम्बर, 2004

का.आ. 2502.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री एम. दीन दयालन, संयुक्त सचिव एवं वित्तीय सलाहकार, वित्त मंत्रालय, नई दिल्ली को तत्काल प्रभाव से और अगले आदेश होने तक, सिंडिकेट बैंक के निदेशक मण्डल में निदेशक के रूप में नामित करती है।

[फा. सं. 9/11/2004-बी.ओ.आई. (i)]

रमेश चन्द, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 24th September, 2004

S.O. 2502.—In exercise of the powers conferred by clause (b) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri M. Deena Dayalan, Joint Secretary and Financial Advisor, Ministry of Finance, New Delhi as a director on the Board of Directors of Syndicate Bank with immediate effect and until further orders.

[F. No. 9/11/2004-B.O.I. (i)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 24 सितम्बर, 2004

का.आ. 2503.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उप-धारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा विधायी विभाग, विधि एवं न्याय मंत्रालय, नई दिल्ली में संयुक्त सचिव और विधायी काउन्सल श्री विनोद कुमार भसीन को तत्काल प्रभाव से और अगला आदेश होने तक कारपोरेशन बैंक के निदेशक मण्डल में निदेशक के रूप में नामित करती है।

[फा. सं. 9/11/2004-बी.ओ.आई. (ii)]

रमेश चन्द, अवर सचिव

New Delhi, the 24th September, 2004

S.O. 2503.—In exercise of the powers conferred by clause (b) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby nominates Shri Vinod Kumar Bhasin, Joint Secretary and Legislative Counsel, Legislative Department, Ministry of Law and Justice, New Delhi as a director on the Board of Directors of Corporation Bank with immediate effect and until further orders.

[F. No. 9/11/2004-B.O.I. (ii)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 24 सितम्बर, 2004

का.आ. 2504.—भारतीय स्टेट बैंक (अनुपंगी बैंक) अधिनियम, 1959 की धारा 25 की उप-धारा (1) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, वित्त मंत्रालय, आर्थिक कार्य विभाग, नई दिल्ली में निदेशक सुश्री पी. बोलीना को तत्काल प्रभाव से और अगले आदेशों तक, स्टेट बैंक आफ बीकानेर एंड जयपुर के निदेशक मण्डल में श्री एस. डी. एस. मिन्हास के स्थान पर निदेशक के रूप में नामित करती है।

[फा. सं. 9/8/2000-बी.ओ.आई. (iii)]

रमेश चन्द, अवर सचिव

New Delhi, the 24th September, 2004

S.O. 2504.—In exercise of the powers conferred by clause (e) of Sub-section (1) of Section 25 of the State Bank of India (Subsidiary Banks) Act, 1959, the Central Government, hereby nominates Ms. P. Bolina, Director, Ministry of Finance, Department of Economic Affairs, New Delhi as a Director on the Board of Directors of State Bank of Bikaner and Jaipur with immediate effect and until further orders vice Shri S.D.S. Minhas.

[F. No. 9/8/2000-B.O.I.(iii)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 29 सितम्बर, 2004

का.आ. 2505.—बैंकों एवं वित्तीय संस्थाओं को शोष्य ऋणों की वसूली अधिनियम, 1993 (1993 का 51) की धारा 2 के खंड (ज) के उप-खंड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारत में स्ट्रेस्ट्ड असेट्स स्टेबिलाइजेशन फंड, मुंबई के व्यावसायिक कार्यकलापों और परिचालन क्षेत्र पर विचार करते हुए एतद्वारा उक्त खंड के प्रयोजन के लिए स्ट्रेस्ट्ड असेट्स स्टेबिलाइजेशन फंड को मुंबई वित्तीय संस्था के रूप में विनिर्दिष्ट करती है।

[फा. सं. 18/9/2004-डी.आर. टी.]

आर. के. शर्मा, उप सचिव

New Delhi, the 29th September, 2004

S.O. 2505.—In exercise of the powers conferred by Sub-clause (ii) of clause (h) of Section 2 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), the Central Government, having regard to the business activities and the area of operations in India of the Stressed Assets Stabilization Fund, Mumbai, hereby specifies the Stressed Assets Stabilization Fund, Mumbai, to be a financial institution for the purposes of the said clause.

[F. No.18/ 9/2004-DRT]

R. K. SHARMA, Dy. Secy.

भारतीय रिजर्व बैंक

मुंबई, 30 सितम्बर, 2004

का.आ. 2506.—राष्ट्रीय आवास बैंक अधिनियम, 1987 (1987 की सं. 53) की धारा 6 (2) के साथ पठित, धारा 6 की उपधारा (1) के खंड (घ) के अनुसरण में भारतीय रिजर्व बैंक एतद्वारा श्री वी. लीलाधर, उपगवर्नर, भारतीय रिजर्व बैंक, मुंबई को डॉ. राकेश मोहन, उपगवर्नर के स्थान पर राष्ट्रीय आवास बैंक के निदेशक बोर्ड में बैंक के नामित निदेशक के रूप में नामित करता है।

[अधिसूचना सं. बैपैर्यवि. विसं. रआबैंक सं. 546/03-27.07-2004-05]

श्रीमती ऊषा थोरात, कार्यपालक निदेशक

RESERVE BANK OF INDIA

Mumbai, the 30th September, 2004

S.O. 2506.—In pursuance of clause (d) of Sub-section (1) of Section 6 read with Section 6(2) of the National Housing Bank Act, 1987 (No. 53 of 1987), Reserve Bank of India hereby nominates Shri V. Leeladhar, Deputy Governor, Reserve Bank of India, Mumbai, as the Bank's Nominee Director on the Board of Directors of the National Housing Bank vice Dr. Rakesh Mohan, Deputy Governor.

[Notification No. DBS. FID. NHB. No. 546/03. 27.07/2004-05]

SMT. USHA THORAT, Executive Director

परमाणु ऊर्जा विभाग

मुंबई, 24 सितम्बर, 2004

का.आ. 2507.—परमाणु ऊर्जा अधिनियम, 1962 के खंड 27 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए और परमाणु ऊर्जा (खान, खनिज एवं निहित पदार्थों के हस्तान्तरण के कार्य हेतु) नियमावली, 1984 के नियम 13 के अनुसरण में, केन्द्रीय सरकार एतद्वारा सचिव, पञ्चवि, भारत सरकार को उपरोक्त नियम के प्रयोजन हेतु "अपीलीय

प्राधिकारी" के रूप में नियुक्त करती है। यह अधिसूचना दिनांक 15 सितम्बर, 2004 से प्रभावी होगी।

[सं. 8/1 (1)/2004-पीएसयू/604]

जी.एम. नायर, अवर सचिव (उद्योग एवं खनिज)

DEPARTMENT OF ATOMIC ENERGY

Mumbai, the 24th September, 2004

S.O. 2507.—In exercise of the powers conferred on it under Section 27 of the Atomic Energy Act, 1962 and in pursuance of Rule 13 of the Atomic Energy (Working of Mines, Minerals and Handling of Prescribed Substances) Rules, 1984, the Central Government hereby appoints the Secretary, Department of Atomic Energy, Government of India as the "Appellate Authority" for the purpose of said rule. This notification comes into force with effect from 15th September, 2004.

[No. 8/1(1)/2004-PSU/604]

G.M. NAIR, Under Secy. (Industries and Minerals)

विज्ञान और प्रौद्योगिकी मंत्रालय

(विज्ञान और प्रौद्योगिकी विभाग)

नई दिल्ली, 1 अक्टूबर, 2004

का.आ. 2508.—मीडिया लैब एशिया भारत सरकार का एक उपक्रम है जिसका पंजीकृत कार्यालय सं. 2, चतुर्थ तल, समृद्धि उद्यम पार्क, सेंट्रल, एम.आई.डी.सी. रोड अंधेरी (पूर्व) मुम्बई-400 093 में स्थित है, जो अनुसंधान और विकास उपकर अधिनियम, 1986 (1986 का 32) (जिसे इसके बाद उक्त अधिनियम कहा गया है) की धारा 2 के खण्ड (ड) के अधीन एक औद्योगिक समुत्थान है (जिसे इसके बाद औद्योगिक समुत्थान कहा गया है);

और केन्द्रीय सरकार का यह समाधान हो गया है कि लोकहित में ऐसा करना आवश्यक व समीचीन है कि उक्त औद्योगिक समुत्थान को उक्त अधिनियम की धारा 3 के अधीन इस अधिसूचना में विनिर्दिष्ट प्रौद्योगिकी के आयात हेतु संदेय उपकर के संदाय में छूट दी जाए;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त औद्योगिक समुत्थान के लिए भारतीय रिजर्व बैंक अनुमोदन सं. एफ.टी. 01 बी.वाई.आर. 0065 के अधीन कतिपय शैक्षणिक अनुसंधान एवं विकास क्रियाकलाप चलाने के लिए प्रौद्योगिकी आयात के संबंध में मेसानुसेट्स इंस्टीट्यूट ऑफ

टेक्नोलॉजी, यू.एस.ए. के साथ तकनीकी सहयोग हेतु उक्त अधिनियम की धारा 3 के अधीन, उक्त औद्योगिक समुत्थान के सम्पूर्ण संदेय उपकर के संदाय से, इस अधिसूचना के प्रकाशन की तारीख से पांच वर्ष की अवधि के लिए और निम्नलिखित शर्तों के अधीन छूट देती है, अर्थात् :—

- (i) ऐसी प्रौद्योगिकी का उपयोग उसी प्रयोजन के लिए किया जाएगा जिसके लिए इसका आयात किया जाता है;
- (ii) उक्त शैक्षणिक अनुसंधान एवं विकास क्रियाकलापों से विकसित की गई प्रौद्योगिकी का प्रचार-प्रसार भारत में आम लोगों के लाभ के लिए किया जाएगा;
- (iii) उपयुक्त (i) और (ii) में उल्लिखित शर्तों के पूरा न होने की दशा में, उक्त औद्योगिक समुत्थान सम्पूर्ण का संदाय करने के लिए उत्तरदायी होगा;
- (iv) इस अधिसूचना के अधीन प्रदान की गई छूट, तत्समय प्रवृत्त किसी अन्य कानून के अधीन किसी कर या शुल्क के संदाय की किसी दायिता पर कोई प्रतिकूल प्रभाव नहीं डालती।

[सं. डीएसटी/टीटी/आर एण्ड डी सेस एजेंप/एम.एल.
एशिया/2004-2005]

एम.एल. गुप्ता, वैज्ञानिक 'जी'

MINISTRY OF SCIENCE AND TECHNOLOGY

(Department of Science and Technology)

New Delhi, the 1st October, 2004

S.O. 2508.—Whereas, Media Lab Asia, a Government of India undertaking, having its registered office at No. 2, 4th Floor Samruddhi Venture Park, Central M.I.D.C. Road, Andheri (East), Mumbai-400093, is an industrial concern [herein referred to as the said industrial concern] in terms of clause (e) of Section 2 of the Research and Development Cess Act, 1986 (32 of 1986) (herein referred to as the said Act);

And, whereas, the Central Government is satisfied that it is necessary and expedient so to do in the public interest, to exempt the said industrial concern from the payment of cess payable under Section 3 of the said Act for the import of technology specified in this notification:

Now, therefore, in exercise of the powers conferred by Section 7 of the said Act, the Central Government, hereby exempts, the said industrial concern from the payment of the cess payable under

section 3 of the said Act, for entering into technical collaboration with the Massachusetts Institute of Technology, U.S.A., in relation to the import of technology for undertaking certain Educational Research and Development Activities under Reserve Bank of India approval No. FT 01 BYR 0065, which is meant for the said industrial concern, for a period of five years with effect from the date of publication of this notification, and subject to the following conditions, namely :—

- (i) that such technology shall be used for the purpose for which it is imported;
- (ii) that the technology evolved by undertaking said Educational Research and Development Activities shall be disseminated in India for the benefit of the common people;
- (iii) that the said industrial concern shall be liable to pay entire cess in case of non-fulfilment of conditions mentioned in clauses (i) and (ii) above; and
- (iv) that the exemption granted under this notification shall be without prejudice to any other liability to pay any tax or duty under any other law for the time being in force.

[No. DST/TT/R&D Cess Exemp/ML Asia/2004-05]

M.L. GUPTA, Scientist 'G'

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 29 सितम्बर, 2004

का.आ. 2509.— भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु डाका विश्वविद्यालय द्वारा प्रदत्त चिकित्सा अर्हता एम.एस. (नेत्र विज्ञान), उक्त अधिनियम की धारा 14 के अधीन एक मान्यता प्राप्त चिकित्सा अर्हता है;

और, डा. सैयद अब्दूल वदूद और डा. खांडेकर जियाउल इस्लाम मोहम्मद अली, दोनों बांग्लादेशी नागरिक, जिनके पास उक्त अर्हता है, मेडिकल रिसर्च फाउण्डेशन, 18, कालेज रोड, चेन्नई-600006 से धर्मार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़े हैं;

अतः, अब, उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्वारा विनिर्दिष्ट करती है कि भारत में डा. सैयद अब्दूल वदूद और डा. खांडेकर

जियाउल इस्लाम मोहम्मद अली द्वारा आयुर्विज्ञान की प्रैक्टिस करने की अवधि :—

(पी. एम. एस. अनुभाग)

नई दिल्ली, 30 सितम्बर, 2004

(क) 1-10-2004 से आगे छह माह की अवधि; अथवा

(ख) उस अवधि, जिसके दौरान डॉ. सैयद अब्दुल वदूद और डॉ. खांडेकर जियाउल इस्लाम मोहम्मद अली, मेडिकल रिसर्च फाउंडेशन, 18, कालेज रोड, चेन्नई-600006 से जुड़े हैं, इनमें से जो भी कम हो, तक सीमित रहेगी।

[सं. वी-11016/1/2004-एम ई(नीति-1)]

पी. जी. कलाधरण, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 29th September, 2004

S.O. 2509. —Whereas medical qualification MS (Ophthalmology) granted by Dhaka University is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas Dr. Syed Abdul Wadud and Dr. Khandaker Ziaul Islam Mohammad Ali, both Bangladeshi National, who possess the said qualification is attached to Medical Research Foundation, 18, College Road, Chennai-600006 for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Syed Abdul Wadud and Dr. Khandaker Ziaul Islam Mohammad Ali in India shall be limited to :—

- (a) a period of six months from 1-10-2004 onwards; or
- (b) the period during which Dr. Syed Abdul Wadud and Dr. Khandaker Ziaul Islam Mohammad Ali is attached to Medical Research Foundation, 18, College Road, Chennai-600006, whichever is shorter.

[No. V-11016/1/2004-ME(Policy-1)]

P. G. KALADHARAN, Under Secy.

का.आ. 2510.—दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद, एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है; अर्थात् :—

अनुसूची के भाग I में बाबा फरीद यूनिवर्सिटी आफ हेल्थ साइंसेज, फरीदकोट, पंजाब से संबंधित क्रम संख्या 51 के सामने कालम 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, नामत् :—

'खालसा डेंटल कालेज एंड हास्पिटल फार वूमेन, नांगल कला, जिला, मानसा, पंजाब के संबंध में बी डी एस डिग्री एक मान्यता प्राप्त दन्त चिकित्सा अर्हता होगी यदि यह उक्त दन्त चिकित्सा कालेज के 1995-1996 से 1998-1999 के बैचों को प्रदान की गई हो।'

[सं. वी-12017/18/95-पी.एम.एस.]

ए. के. सिंह, अवर सचिव

(P. M. S. SECTION)

New Delhi, the 30th September, 2004

S.O. 2510. —In exercise of the power conferred by sub-section (2) of the Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part I of the Schedule to the said Act, namely :—

Under the existing entries of column 3, against Serial No. 51, pertaining to Baba Farid University of Health Sciences, Faridkot, Punjab, in Part I of the Schedule, the following entries shall be added, namely :—

'The BDS Degree in respect of Khalsa Dental College & Hospital for Women, Nangal Kalan, Distt. : Mansa, Punjab shall be a recognised dental qualification, if granted to the 1995-1996 to 1998-1999 batches of the said dental college.'

[F. No. V-12017/18/95-P.M.S.]

A. K. SINGH, Under Secy.

नई दिल्ली, 30 सितम्बर, 2004

का.आ. 2511.—दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए, केन्द्र सरकार भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद, एतद्वारा उक्त अधिनियम की अनुसूची के भाग I में निम्नलिखित संशोधन करती है; अर्थात् :—

अनुसूची के भाग I में पंजाबी विश्वविद्यालय, पटियाला, पंजाब से संबंधित क्रम संख्या 12 के सामने मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

“खालसा डेंटल कालेज एंड हास्पिटल फार वूमेन, नांगल कलां, जिला, मानसा, पंजाब के संबंध में बी डी एस डिग्री एक मान्यता प्राप्त दन्त चिकित्सा अर्हता होगी यदि यह उक्त दन्त चिकित्सा कालेज के 1995-1996 से 1998-1999 के बैचों को प्रदान की गई हो।”

[सं. वी-12017/18/95-पी.एम.एस.]

ए. के. सिंह, अवर सचिव

New Delhi, the 30th September, 2004

S.O. 2511. —In exercise of the power conferred by sub-section (2) of the Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part I of the Schedule to the said Act, namely :—

Under the existing entries of column 3, against Serial No. 12, pertaining to Punjab University, Patiala, Punjab, in Part I of the Schedule, the following entries shall be added, namely :—

“The BDS Degree in respect of Khalsa Dental College & Hospital for Women, Nangal Kalan, Distt. Mansa, Punjab shall be a recognised dental qualification, if granted to the 1995-1996 to 1998-1999 batches of the said dental college”.

[F.No. V-12017/18/95-P.M.S.]

A. K. SINGH, Under Secy.

कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

नई दिल्ली, 20 सितम्बर, 2004

का.आ. 2512.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में कृषि एवं सहकारिता विभाग, कृषि मंत्रालय के

नियंत्रणाधीन स्वायत्त संगठन, राष्ट्रीय सहकारी विकास निगम, नई दिल्ली के निम्नलिखित कार्यालयों को जिसके 80% कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. राष्ट्रीय सहकारी विकास निगम, क्षेत्रीय निदेशालय, बोरा सर्विस स्टेशन बिल्डिंग, जी.एस. रोड, उल्लूबारी, गुवाहाटी-781007
2. राष्ट्रीय सहकारी विकास निगम, क्षेत्रीय निदेशालय, 5-10-193, हाका भवन, दूसरी मंजिल, पब्लिक गार्डन के सामने, हैदराबाद-500004

[सं. 3-2/2002-हिन्दी नीति]

के.डी. सिन्हा, संयुक्त सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

New Delhi, the 20th September, 2004

S.O. 2512. —In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies the following offices of the National Cooperative Development Corporation, New Delhi, autonomous organisation under the control of the Department of Agriculture and Cooperation, Ministry of Agriculture, 80% staff whereof have acquired the working knowledge of Hindi :—

1. National Cooperative Development Corporation, Regional Directorate, Bora Service Station Building, G.S. Road, Ullubari, Guwahati-781007.
2. National Cooperative Development Corporation, Regional Directorate, 5-10-193, Haka Bhawan, Second Floor, Opp. Public Garden, Hyderabad-500004.

[No. 3-2/2002-Hindi Neeti]

K. D. SINHA, Jt. Secy.

कोयला और खान मंत्रालय
(कोयला विभाग)
शुद्धिपत्र

नई दिल्ली, 30 सितम्बर, 2004

का. आ. 2513.— भारत के राजपत्र, भाग -II, खंड - 3, उपखंड (ii) में तारीख 29 मई, 2004 के पृष्ठ क्रमांक 2532 से 2535 पर प्रकाशित भारत सरकार के कोयला एवं खान मंत्रालय की अधिसूचना संख्या का. आ. 1254 तारीख 14 मई, 2004 के।

पृष्ठ क्रमांक 2533 पर - प्रथम पंक्ति में -

“रेखांक सं० सी- I/III/ एफ आर/697-0602” के स्थान पर

“रेखांक सं० सी- I(ई)/III/ एफ आर/697-0602” पढ़ा जाए।

“ग्राम बीना में अर्जित किए जाने वाले प्लॉट संख्यांक” के स्थान पर

“ग्राम बीना में अर्जित किए गये प्लॉट संख्यांक” पढ़ा जाए।

ग्राम बीना में अर्जित किए जाने प्लॉट संख्यांक की पांचवी पंक्ति में -

“162/1 - 162/2 - 162/3, 163/1 - 163/2 - 163/3” के स्थान पर

“162/1 - 162/2 - 162/3, 163/1 - 163/2 - 163/3” पढ़ा जाए।

“ग्राम भानेगांव में अर्जित किए जाने वाले प्लॉट क्रमांक” के स्थान पर

“ग्राम भानेगांव में अर्जित किए गये प्लॉट संख्यांक” पढ़ा जाए।

[फा. सं. -43015/2/98-पी.आर.आई. डब्ल्यू.]

गार्गी मुखर्जी, निदेशक

Ministry of Coal and Mines
(Department of Coal)
Corrigendum

New Delhi, the 30th September, 2004.

S. O. 2513.— In the notification of the Government of India in the Ministry of Coal and Mines (Department of Coal) number S.O. 1254 dated the 14th May, 2004 published at pages 2532 to 2535 of the Gazette of India, Part -II, Section - 3, sub-section (ii) dated the 29th May, 2004.

At page No. 2534 -

In the schedule “Plot numbers to be acquired in village Bina”

read “Plot numbers acquired in village Bina”

“Plot numbers to be acquired in village Bhanegaon”

read “Plot numbers acquired in village Bhanegaon”

[No. 43015/2/98-P.R.I.W.]
GARGI MUKHERJEE, Director

नई दिल्ली, 30 सितम्बर, 2004

का. आ. 2514.— केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (I) के अधीन भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. 3479, तारीख 18 दिसम्बर, 2003 जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (त्त) तारीख 27 दिसम्बर, 2003 में प्रकाशित की गई थी, द्वारा उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में, जिसका भाग 87.884 हेक्टर (लगभग) या 217.16 एकड़ (लगभग) है, खनिजों के खनन, खदान बोर करने, उनकी खुदाई और तलाश करने उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों के अर्जन करने के अपने आशय की सूचना दी थी,

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और छत्तीसगढ़ सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है, कि इससे संलग्न अनुसूची में वर्णित 87.884 हेक्टर (लगभग) या 217.16 एकड़ (लगभग) माप भूमि में खनिजों के खनन, खदान, बोर करने उसकी खुदाई और तलाश करने, उन पर कार्य करने और उन्हें अधिकार अर्जित किये जाने चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है, कि इससे संलग्न अनुसूची में वर्णित 87.884 हेक्टर (लगभग) या 217.16 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उसकी खुदाई और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों को अर्जित किये जाते हैं।

इस अधिसूचना के अधीन अपने आने वाले क्षेत्र के रेखांक सं. एस.ई.सी.एल./बी.एस.पी./पी.एल.जी./भूमि/288 तारीख 21 मई, 2004 का निरीक्षण कलेक्टर, कारेबा (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता।

अनुसूची

ढेलवाडीह दुसरा विस्तार ब्लाक
कोरबा कोलफील्ड, कारेबा क्षेत्र
जिला - कोरबा (छत्तीसगढ)

खनन अधिकार

ब्लाक "क"

क्रम संख्या	ग्राम का नाम	पटवारी हल्का संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियाँ
1	अभयपुर	41	कटघोरा	कोरबा	17.560	भाग
2	ढेलवाडीह	42	कटघोरा	कोरबा	28.834	भाग
					कुल क्षेत्र:-	46.394 हेक्टर

सीमा वर्णन:

क-ख: रेखा ग्राम अभयपुर-ढेलवाडीह की सम्मिलित सीमा पर बिन्दु "क" से आरंभ होती है और ग्राम ढेलवाडीह के प्लाट संख्या 78/1, 136, 137, 138, 199, 198, 197, 192, 190, 161 से होकर बिन्दु "ख" पर मिलती है।

ख-ग-ग1 रेखा ग्राम ढेलवाडीह की प्लाट संख्या 161 की भागत: उत्तर पूर्वी दिशा, प्लाट संख्या 161 के मध्य से, प्लाट संख्या 158 की उत्तरी दिशा, प्लाट संख्या 158, 154, 153, 152, 149 की पूर्वी दिशा, बाद में प्लाट संख्या 78/1 से होते बिन्दु "ग1" पर मिलती है।

ग1-ग2-घ-क रेखा ग्राम अभयपुर के प्लाट संख्या 34,1 से होते हुई आरंभिक बिन्दु "क" पर मिलती है।

अनुसूची जारी

खनन अधिकार

ब्लाक "ख"

क्रम संख्या	ग्राम का नाम	पटवारी हल्का संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियाँ
1	अभयपुर	42	कटघोरा	कोरबा	9.883	भाग
2	ढेलवाडीह	42	कटघोरा	कोरबा	24.112	भाग
3	ढेलवाडीह	48	कटघोरा	कोरबा	07.495	भाग
कुल योग: (ब्लाक क+ख) -					46.394+41.490 = 87.884 हेक्टर (लगभग) या 217.16 (लगभग)	

- (1) ग्राम ढेलवाडीह (भाग) में अर्जित किए गये प्लाट संख्याक:-
315/1क (भाग) ,345(भाग) ,346(भाग) ,347,348(भाग) ,349(भाग) ,
- (2) ग्राम ढबढब (भाग) में अर्जित किए गये प्लाट संख्याक:-
325(भाग), 340, 341(भाग), 374(भाग), 375(भाग), 376(भाग), 377, 378, 379, 380(भाग), 381(भाग) , 382(भाग) , 383, 384, 385, 386(भाग) , 387, 388, 389, 390(भाग) , 395(भाग).
- (3) ग्राम अरदा (भाग) में अर्जित किए गये प्लाट संख्याक:-
8(भाग), 9(भाग), 11(भाग), 12(भाग), 13 से 16, 17(भाग), 18, 19(भाग), 20(भाग), 72(भाग), 100(भाग), 101(भाग).

सीमा वर्णन

- ड-च-छ रेखा ग्राम ढेलवाडीह में बिन्दु “ड” से आरंभ होती है और ग्राम ढेलवाडीह के प्लाट संख्या 315/1क, 346, 345, 315/1क, से होते हुई ग्राम ढबढब में प्रवेश करती है और प्लाट संख्या 382, 381, 380, 374, 375, 376, 341, 325 से होते हुई बिन्दु “छ” पर मिलती है।
- छ-छ1 ज रेखा ग्राम अरदा के प्लाट संख्या 19, 8, 9, 11, 12, 101, 100, 101, 12, 72, 12, 20, 19, से होते हुई बिन्दु “ज” पर मिलती है।
- ज-ज1 ड रेखा ग्राम ढबढब के प्लाट संख्या 325 की भागतः दक्षिणी सीमा, प्लाट संख्या 395, 341, 390, 395 से होते हुई ग्राम ढेलवाडीह में प्रवेश करती है और प्लाट संख्या 348, 349, 315/1क से होते हुई आरंभिक बिन्दु “ड” पर मिलती है।

[फा. सं. -43015/13/2002-पी.आर.आई. डब्ल्यू.]
गर्गी मुखर्जी, निदेशक

New Delhi, the 30th September, 2004

S. O. 2514.— Whereas by the notification of the Government of India in the Ministry of Coal Number S.O. 3479 dated the 18th December, 2003, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part II, section 3, sub-section (ii) of the Gazette of India, dated the 27th December, 2003, the Central Government gave notice of its intention to acquire the rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands measuring 87.884 hectares (approximately) or 217.16 acres (approximately) in the locality specified in the Schedule appended to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government, after considering the aforesaid report and after consulting the Government of Chhattisgarh, is satisfied that the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 87.884 hectares (approximately) or 217.16 acres (approximately) described in the Schedule appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the rights to mine, quarry, bore dig, and search for, win, work and carry away minerals in the lands measuring 87.884 hectares (approximately) or 217.16 acres (approximately) described in the Schedule appended hereto are hereby acquired.

The Plan bearing No.SECL/BSP/GM(Plg)/Land/288 dated 21st May, 2004 of the area covered by this notification may be inspected in the Office of the Collector, Korba (Chhattisgarh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the South Eastern Coalfields Limited (Revenue Section) Seepat Road, Bilaspur - 495006 (Chhattisgarh).

Schedule

Dhelwadih IInd Extension Block
Korba Coalfield, Korba area
District - Korba (Chhattisgarh)

Mining Rights BLOCK-"A"

Serial number	Name of village	Patwari halka number	Tahsil	District	Area in hectare	Remarks
01	Abhaipur	41	Katghora	Korba	17.560	Part
02	Dhelwadih	42	Katghora	Korba	28.834	Part
Total:- 46.394 hectares						

- (1) Plot numbers acquired in Village Abhaipur (part):- 1 (part), 34 (part).
- (2) Plot numbers acquired in village Dhelwadih (part):-
78/1 (part), 134,135,136(part), 137(part), 138(part), 139 to 160, 161 (part), 190 (part),192 (part), 193 to 196,197 (part), 198(part), 199 (part).

Boundary description

- A-B Line starts from point "A" on the common boundary of villages Abhaipur-Dhelwadih and passes in village Dhelwadih through Plot numbers 78/1,136,137,138,199,198,197,192,190,161,and meets at point "B".
- B-C-C1 Line passes in village Dhelwadih partly North East boundary of Plot number 161, through plot number 161, Northern boundary of plot number 158, Eastern boundary of plot numbers 158,154,153,152, 149 then through plot number 78/1 and meets at point "C1".
- C1-C2-D-A Line passes in village Abhaipur through plot numbers 34,1 and meets at the starting point "A".

Schedule Continued**Mining Rights****BLOCK-"B"**

Serial number	Name of village	Patwari number	halka	Tahsil	District	Area in hectares	Remarks
01	Dhelwadih	42		Katghora	Korba	09.883	Part
02	Dhabdhab	42		Katghora	Korba	24.112	Part
03	Arda	48		Katghora	Korba	07.495	Part
TOTAL:- 41.490 Hectares							
Grand Total: (Block A+B)=87.884 hectares (approximately) or 217.16 acres (approximateky)							

- (1) Plot numbers acquired in village Dhelwadih (part): 315/1K (part), 345(part), 346(part), 347 348(part), 349(part).
- (2) Plot numbers acquired in village Dhabdhab (part) :
325(part), 340, 341(part), 374(part), 375(part), 376(part), 377, 378, 379, 380(part),
381(part), 382(part), 383, 384, 385, 386(part), 387, 388, 389, 390(part), 395(part).
- (3) Plot numbers acquired in village Arda (part):
8(part), 9(part), 11(part), 12(part), 13 to 16, 17(part), 18, 19(part), 20(part), 72(part),
100(part), 101(part).

Boundary Description

- E-F-G Line starts from point 'E' in village Dhelwadih and passes through plot numbers 315/1K, 346, 345, 315/1K enter in village Dhabdhab and passes through plot numbers 382, 381, 380, 374, 375, 376, 341, 325 and meets at point "G".
- G-G1-H Line passes in village Arda through plot numbers 19, 8, 9, 11, 12, 101, 100, 101, 12, 72, 12, 17, 20, 19 and meets at point "H".
- H-H1-E Line passes in village Dhabdhab and passes partly along the Southern boundary of plot number 325 then through plot numbers 395, 341, 390, 386, 395 enter in village Dhelwadih passes through plot numbers 348, 349, 315/1K and meets at the starting point "E".

[No. 43015/13/2002-P.R.I.W.]
GARGI MUKHERJEE, Director

नई दिल्ली, 30 सितम्बर, 2004

का. आ. 2515.— केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राय किए जाने की संभावना है ;

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन एवं विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा

गया है), की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अन्तर्गत आने वाले रेखांक सं० सी-1 (ई)III/ एफआर/716-0404, तारीख 1 अप्रैल, 2004 का निरीक्षण वेस्टर्न कोलफीड्स लिमिटेड (राजस्व विभाग), कोल ईस्टेट, सिविल लाईन्स, नागपुर 440001 (महाराष्ट्र) के कार्यालय में या कालक्टर, नागपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1- काउंसिल हाऊस स्ट्रीट, कोलकाता के कार्यालय में किया जा सकता है ;

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर विशेष कार्य अधिकारी, (भूमि और राजस्व), राजस्व विभाग, वेस्टर्न कोलफीड्स लिमिटेड, कोल ईस्टेट, सिविल लाईन्स, नागपुर 440001 (महाराष्ट्र) को भेज सकेंगे ।

अनुसूची
सिंगोरी विस्तारित खंड
नागपुर क्षेत्र, जिला नागपुर (महाराष्ट्र)

(रेखांक सं. सी-1 (ई)III /एफआर/716-0404 तारीख 1 अप्रैल, 2004)

क्रम क्रमांक	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1.	सिंगोरी	12	पारसिओनी	नागपुर	54.00	भाग
2.	हिंणगा बारभाई)	12	पारसिओनी	नागपुर	60.00	भाग

कुलक्षेत्र - 114.00 हेक्टर (लगभग) या 281.70 एकड़ (लगभग)

सीमा वर्णन-

क-ख: रेखा बिन्दु 'क' से आरम्भ होती है और ग्राम सिंगोरी से होती हुई बिन्दु 'ख' पर मिलती है ।

ख-ग: रेखा ग्राम सिंगोरी और हिंणगा (बारभाई) की सम्मिलित ग्राम से गुजरती हुई बिन्दु 'ग' पर मिलती है ।

ग-घ: रेखा ग्राम हिंणगा (बारभाई) नाले के पश्चिम किनारे से गुजरती हुई बिन्दु 'घ' पर मिलती है ।

घ-ङ: रेखा ग्राम हिंगणा (बारभाई) से होती हुई ग्राम हिंगणा (बारभाई) और सिंगोरी की सम्मिलित ग्राम सीमा से गुजरती हुई बिन्दु ' ड ' पर मिलती है ।

ङ-च: रेखा ग्राम सिंगोरी तथा तमासवाडी की सम्मिलित ग्राम सीमा से गुजरती हुई बिन्दु ' च ' पर मिलती है ।

च-क: रेखा ग्राम सिंगोरी से होती हुई रास्ते की आंतरिक सीमा के साथ-साथ गुजरती है और आरंभिक बिन्दु ' क ' पर मिलती है।

[फा. सं. -43015/18/2004-पी.आर.आई. डब्ल्यू.]

गार्गी मुखर्जी, निदेशक

New Delhi, the 30th September, 2004

S. O. 2515.— Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein ;

The plan bearing No. C-1(E)III/FR/716-0404 dated the 1st April, 2004 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur - 440 001 (Maharashtra) or in the office of the Collector, Nagpur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Kolkata :

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer on Special Duty (L&R) of the Revenue Department, Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur - 440 001 (Maharashtra) within ninety days from the date of publication of this notification in the Official Gazette.

Schedule
Singori Extension Block
Nagpur Area
District Nagpur (Maharashtra)

(Plan No. C-1(E)III/FR/716-0404 dated the 1st April, 2004).

Serial Number	Name of village	Patwari circle number	Tahsil	District	Area in Hectares	Remarks
1	Singori	12	Parseoni	Nagpur	54.00	Part
2	Hingna (Barabhai)	12	Parseoni	Nagpur	60.00	Part
				Total area : 114.00 hectares (approximately) or 281.70 acres (approximately)		

Boundary description :-

- A – B : Line starts from point 'A' and passes through village Singori and meets at point 'B'.
- B – C : Line passes through common village boundary of villages Singori and Hingna (Barabhai) and meets at point 'C'.
- C – D : Line passes along the Western Bank of Nala of village Hingna (Barabhai) and meets at point 'D'.
- D – E : Line passes through village Hingna (Barabhai) and partly through common village boundary of villages Hingna (Barabhai) and Singori and meets at point 'E'.
- E – F : Line passes through common village boundary of villages Singori and Tamaswadi and meets at point 'F'.
- F – A : Line passes through village Singori along the inner boundary of road and meets at starting point 'A'.

[No. 43015/18/2004-P.R.I.W.]
GARGI MUKHERJEE, Director

नई दिल्ली, 30 सितम्बर, 2004

का. आ. 2516.—केन्द्रीय सरकार को यह प्रतीत होता है कि इसके नीचे दी गई अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है।

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957, (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं० डी जी/08588, तारीख 24 जून, 2004 का निरीक्षण महाप्रबंधक (गवेषणा प्रभाग) सेन्ट्रल माइन प्लानिंग एण्ड डिजाइन इंस्टीट्यूट गोन्दवाना प्लेस, कांके रोड, रांची या कोयला नियंत्रक 1, काउंसिल हाउस स्ट्रीट, कोलकाता कार्यालय में या जिला कलक्टर, जिला रायगढ़, छत्तीसगढ़ के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति, उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर महाप्रबंधक (गवेषणा प्रभाग), सेन्ट्रल माइन प्लानिंग एण्ड डिजाइन इंस्टीट्यूट गोन्दवाना प्लेस, कांके रोड, रांची को भेजेंगे।

अनुसूची

गारे सेक्टर III खण्ड, मान्द रायगढ़, कोयला क्षेत्र
जिला - रायगढ़, छत्तीसगढ़

क्र. सं.	ग्राम	खाना	ग्राम नं०	जिला	क्षेत्रफल (एकड़ लगभग)	क्षेत्रफल (हेक्टर लगभग)	टिप्पियां
1	ढोलनास	तमनार	149	रायगढ़	357.11	144.52	भाग
2	बंजरमुड़ा	तमनार	214	रायगढ़	426.54	172.62	भाग
3	करवाही	तमनार	18	रायगढ़	188.46	76.27	भाग
4	खम्हरिया	तमनार	67	रायगढ़	49.59	20.07	भाग
5	मिल्लूपाड़ा	तमनार	254	रायगढ़	307.49	124.44	भाग
6	सिलट आर एफ	तमनार	635	रायगढ़	337.27	136.49	भाग
	कुल:-				1666.46 (लगभग)	674.41 (लगभग)	

सीमा वर्णन:-

क-ख रेखा ग्राम ढोलनास के बिन्दु “क” से आरम्भ होती है और ग्राम बंजरमुड़ा के सिलट आर एफ के उत्तरी भाग से होकर गुजरती है, दोबारा सिलट आर एफ में पुनः प्रवेश करती है और केलो नदी को पार करती हुई ग्राम मिल्लूपाड़ा के पूर्वी भाग में बिन्दु “ख” पर मिलती है।

ख-ग रेखा ग्राम मिल्लूपाड़ा से होकर गुजरती है और उसके पश्चात केलो नदी को पार करती हुई सिलट आर एफ के दक्षिणी भाग, ग्राम खम्हरिया के उत्तरी भाग, ग्राम करवाही के उत्तरी भाग, ग्राम बंजरमुड़ा के केन्द्रीय भाग से होकर गुजरती है और ग्राम ढोलनास के दक्षिणी भाग में बिन्दु “ग” पर मिलती है।

ग-क रेखा ग्राम ढोलनास से होकर गुजरती है और उसी गांव के उत्तरी - पश्चिमी भाग में बिन्दु “क” पर मिलती है।

[फा. सं. -43015/24/2004-पी.आर.आई. डब्ल्यू.]
गार्गी मुखर्जी, निदेशक

New Delhi, the 30th September, 2004

S. O. 2516.— Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereunder;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisitions and Development) Act, 1957 (20 of 1957), the Central Government hereby give notice of its intention to prospect for coal therein.

The Plan bearing No.DG/08588 dated 24th June, 2004, of the area covered by this notification can be inspected at the office of General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Coal Controller, 1, Council House Street, Calcutta or at the office of the District Collector, Dist. Raigarh, Chhattisgarh.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred in sub-section (7) of section 13 of the said Act to the General Manager (Exploration Division), Central Mine Planning & Design Institute, Gondwana Place, Kanke Road, Ranchi within ninety days from the date of publication of this notification in the Official Gazette.

Schedule
Gare Sector-III Block, Mand-Raigarh Coalfield
District – Raigarh Chhattisgarh

Sl. No.	Village	Thana	Village Number	District	Area (acres) (approx)	Area (hectares) (approx)	Remarks
1.	Dholnas	Tamnar	149	Raigarh	357.11	144.52	Part
2.	Banjarmuda	Tamnar	214	Raigarh	426.54	172.62	Part
3.	Karwahi	Tamnar	18	Raigarh	188.46	76.27	Part
4.	Khamharia	Tamnar	67	Raigarh	49.59	20.07	Part
5.	Milupara	Tamnar	254	Raigarh	307.49	124.44	Part
6.	Silot re	Tamnar	635	Raigarh	337.27	136.49	Part
TOTAL:- 1666.46 acres (approximately) or 674.41 hectares (approximately)							

Boundary description

A-B The line starts at point 'A' in village Dholnas and passes through Silot RE, northern part of village Banjarmuda, again re-enters Silot RE and meets point 'B' in the eastern part of village Milupara after crossing Kelo river.

- B-C** The line passes through village Milupara and after crossing Kelo river passes through southern part of Silot RE, northern part of village Khamharia, northern part of village Karwahi, central part of village Banjarmuda and meets point 'C' in the southern part of village Dholnas.
- C-A** The line passes through village Dholnas and meets point 'A' in the north-western part of the same village.

[No. 43015/24/2004-P.R.I.W.]
GARGI MUKHERJEE, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 30 सितम्बर, 2004

का. आ. 2517.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी और भारत के राजपत्र में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1293 तारीख 31 मई, 2004 द्वारा उड़ीसा राज्य में पारादीप से पश्चिमी बंगाल राज्य में हल्द्वी तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा कच्चे तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 2 जुलाई, 2004 को उपलब्ध करा दी गई थी ।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ।

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना है ।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करता है कि इस अधिसूचना की अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार पाइपलाइन बिछाए जाने हेतु अर्जित किया जाता है ।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की तत्पश्चात् सभी वित्तसंगणों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

जिला : भद्रक

राज्य : उड़ीसा

तहसील का नाम	गाँव का नाम	खसरा संख्या	क्षेत्रफल		वर्ग मीटर
			हैक्टर	एकर	
1	2	3	4	5	6
चान्दवाली	कूली	581	0	18	31
		652	0	04	36
		81	0	00	10
		82	0	00	78
		83	0	08	10
	गोलाडिहा	217	0	06	94
		225	0	00	76
		224	0	00	67
		218	0	00	62
		219	0	00	98
		220	0	00	15
		320	0	03	36
		309	0	00	49
		308	0	02	72
		307	0	01	25
		305	0	04	08
		304	0	00	25
		306	0	00	61
		302	0	01	79
		300	0	01	50
		301	0	00	10
		298	0	01	78
		297	0	04	09
		265	0	00	38
		296	0	00	10
		294	0	05	76
		293	0	03	59
		269	0	01	40
		292	0	00	80
		272	0	02	28
		273	0	04	21
		270	0	00	12
		274	0	00	69

1	2	3	4	5	6
		276	0	01	89
		588	0	02	02
		587	0	03	83
		584	0	01	20
		586	0	00	10
		585	0	02	54
		583	0	00	10
		608	0	10	48
		579	0	00	10
		609	0	00	10
		577	0	06	96
		573	0	01	66
		576	0	00	45
		574	0	02	08
		575	0	03	25
		561	0	02	35
		628	0	05	44
		560	0	00	33
		629	0	00	84
		559	0	00	84
		558	0	00	73
		557	0	00	74
		556	0	02	54
		495	0	12	98
		555	0	01	25
		496	0	03	09
		497	0	03	94
		498	0	03	25
		552	0	00	76
		549	0	00	82
		548	0	02	43
		546	0	00	10
		547	0	05	60
		543	0	06	93
		537	0	08	10
		538	0	03	80
		541	0	00	28
		542	0	00	15
		539	0	00	96
		540	0	01	19
		27	0	06	05

1	2	3	4	5	6
	बालीगणं	945	0	00	95
		946	0	03	94
		947	0	03	86
		948	0	01	72
		949	0	05	36
		3548	0	00	10
		5486	0	02	97
		3521	0	05	57
		3520	0	01	73
		3519	0	03	90
		3522	0	02	28
		3492	0	00	10
		3523	0	06	17
		3491	0	06	49
		3485	0	00	10
		3486	0	00	10
		3490	0	00	47
		5505	0	02	32
		3494	0	02	89
		3467	0	02	19
		3464	0	04	61
		3466	0	01	22
		3465	0	02	14
		3434	0	03	92
		3433	0	00	52
		3428	0	05	02
		3427	0	05	17
		3426	0	04	44
		3416	0	01	97
		3415	0	01	05
		3414	0	00	10
		5050	0	12	40
		3417	0	01	48
		3418	0	00	16
		3377	0	02	82
		3376	0	01	97
		3382	0	03	93
		3385	0	01	96
		3383	0	01	81
		3384	0	00	90
		3364	0	12	37

1	2	3	4	5	6
		3365	0	00	10
		3764	0	00	77
		3771	0	03	25
		3772	0	02	35
		3773	0	05	44
		3770	0	00	33
		5526	0	00	84
		3767	0	01	30
		3776	0	00	63
		5501	0	02	83
		3777	0	00	58
		3824	0	01	42
		3825	0	02	23
		3823	0	03	08
		3826	0	00	10
		3833	0	03	77
		3832	0	02	99
		3831	0	02	14
		3852	0	02	68
		3850	0	02	07
		3849	0	02	28
		3848	0	12	94
		3975	0	04	98
		3974	0	02	37
		3973	0	02	47
		3971	0	00	17
		3972	0	00	56
		3977	0	02	03
		3978	0	01	68
		5286	0	02	00
		3219	0	01	83
		3218	0	03	11
		3217	0	04	03
		5037	0	00	10
		3211	0	01	71
		3212	0	01	51
		3216	0	01	36
		3215	0	01	48
		5334	0	01	57
		3214	0	01	81
		5300	0	01	33

1	2	3	4	5	6
		3081	0	01	66
		3080	0	00	83
		3082	0	02	10
		3079	0	00	89
		3089	0	00	18
		3078	0	07	15
		3090	0	00	10
		3074	0	03	66
		5135	0	03	15
		3091	0	00	10
		3095	0	00	13
		3097	0	02	17
		3096	0	01	30
		5404	0	01	43
		5122	0	00	13
		2451	0	00	10
		2890	0	03	83
		2891	0	02	68
		2889	0	03	67
		2894	0	00	54
		2895	0	00	67
		2888	0	09	29
		5026	0	01	15
		2901	0	01	20
		2887	0	02	37
		2886	0	03	47
		5085	0	02	78
		2470	0	03	96
		2475	0	00	99
		2474	0	03	23
		2476	0	08	07
		2477	0	00	10
		2479	0	06	88
		2482	0	03	88
		2487	0	03	20
		5009	0	00	11
		2486	0	03	17
		2483	0	00	16
		5010	0	00	10
		2485	0	04	37
		2484	0	03	65

	3	4	5	6
	2352	0	01	56
	2348	0	00	51
	2237	0	00	30
	2347	0	00	89
	2346	0	07	28
	2345	0	00	10
	2344	0	04	20
	2343	0	03	41
	2340	0	03	36
	5250	0	02	09
	2338	0	01	08
	2337	0	01	08
	2334	0	00	46
	2335	0	02	42
	2336	0	00	10
	2331	0	03	26
	5241	0	03	95
	2333	0	12	31
	2249	0	08	14
	2260	0	03	26
	2259	0	02	24
	2261	0	00	26
बड़ाओस्तीया	1101	0	06	23
	1102	0	00	10
	1100	0	00	91
	1103	0	06	29
	1104	0	04	74
	1105	0	03	88
	1056	0	01	48
	1053	0	01	26
	1052	0	01	74
	1051	0	12	49
	1054	0	04	56
	1050	0	00	10
	1047	0	01	03
	1048	0	00	11
	970	0	09	31
	967	0	04	63
	969	0	01	17
	968	0	00	88
	966	0	03	45

1	2	3	4	5	6
		965	0	01	06
		964	0	01	11
		963	0	03	40
		917	0	02	75
		919	0	02	93
		921	0	03	52
		922	0	03	70
		925	0	04	33
		924	0	00	10
		927	0	08	86
		909	0	00	10
		928	0	00	23
		908	0	03	90
		902	0	02	68
		904	0	01	19
		905	0	03	18
		906	0	01	07
		886	0	01	83
		695	0	08	07
		694	0	01	27
		696	0	10	96
		731	0	04	35
		711	0	00	10
		712	0	02	01
		713	0	02	00
		725	0	00	10
		724	0	00	10
		722	0	00	88
		721	0	00	92
		714	0	05	10
		715	0	05	04
		603	0	14	14
		602	0	00	10
		599	0	00	10
		264	0	11	51
		269	0	06	26
		274	0	00	10
		275	0	14	46
		283	0	00	11
		286	0	00	51
		285	0	03	08

1	2	3	4	5	6
		284	0	01	57
		288	0	01	81
		287	0	00	10
		1459	0	00	93
		289	0	00	36
		290	0	00	10
		295	0	01	72
		1460	0	02	23
		1461	0	02	60
		296	0	00	28
		294	0	04	78
		293	0	00	14
		306	0	00	14
		305	0	04	35
		307	0	03	90
		308	0	02	05
		309	0	03	38
		310	0	01	20
		311	0	00	63
		312	0	00	63
		314	0	05	26
		318	0	06	13
		320	0	00	84
		321	0	10	11
		322	0	00	96
		332	0	00	14
		333	0	11	54
	पणसपाड़ा	972	0	04	53
		971	0	03	23
		945	0	00	20
		969	0	06	27
		946	0	00	10
		947	0	03	22
		948	0	00	72
		950	0	00	10
		955	0	00	10
		968	0	00	26
		967	0	01	49
		966	0	02	55
		965	0	02	77
		956	0	04	07

1	2	3	4	5	6
		919	0	01	31
		920	0	00	27
		918	0	02	26
		915	0	05	14
		914	0	03	71
		512	0	01	00
		513	0	04	92
		516	0	00	32
		517	0	01	22
		912	0	01	57
		518	0	01	01
		520	0	00	37
		911	0	02	79
		910	0	05	34
		1005	0	05	69
		909	0	00	76
		908	0	00	10
		536	0	01	21
		529	0	01	45
		535	0	02	56
		537	0	00	87
		538	0	01	38
		539	0	01	98
		557	0	03	35
		559	0	01	97
		558	0	00	40
		543	0	00	10
		555	0	07	46
		556	0	00	25
		564	0	02	54
		565	0	00	83
		566	0	01	34
		983	0	00	10
		567	0	02	67
		568	0	00	61
		574	0	00	52
		640	0	00	85
		639	0	00	83
		638	0	03	45
		636	0	00	47
		637	0	00	23

1	2	3	4	5	6
		627	0	02	34
		628	0	02	22
		629	0	00	10
		626	0	05	14
		625	0	01	01
		619	0	04	35
		618	0	00	37
		621	0	00	83
		620	0	01	51
		615	0	00	11
		616	0	01	59
		617	0	00	34
		984	0	00	11
		610	0	01	93
		609	0	00	16
		612	0	00	18
		611	0	00	86
		661	0	01	98
		1722	0	03	48
		1723	0	02	78
		1721	0	05	22
		1726	0	03	50
		4412	0	00	85
		1730	0	07	83
		1731	0	08	97
		1745	0	04	66
		1743	0	02	82
		1737	0	00	10
		1738	0	02	69
		1740	0	02	57
		1741	0	03	74
		1779	0	01	56
		4352	0	06	38
		1778	0	06	05
		1796	0	05	01
		1797	0	01	71
		1793	0	12	56
		1791	0	01	37
		1790	0	00	10
		1810	0	07	79
		1811	0	03	37

1	2	3	4	5	6
		1867	0	13	24
		1865	0	02	04
		1866	0	10	09
		1870	0	03	78
		1952	0	05	62
		1947	0	03	62
		1948	0	04	06
		1949	0	04	38
		1950	0	00	10
		1943	0	12	61
		1941	0	04	87
		1940	0	01	02
		1939	0	01	36
		2400	0	12	29
		4441	0	05	63
		2390	0	02	53
		2327	0	00	17
		2389	0	11	91
		4579	0	00	43
		2391	0	05	50
		2393	0	01	49
		2399	0	00	17
		2397	0	07	73
		2398	0	00	40
		2396	0	06	78
		2404	0	02	34
		2472	0	07	89
		2405	0	03	37
		4508	0	00	10
		2449	0	14	08
		2450	0	01	91
		2447	0	09	41
		2437	0	04	04
		2446	0	02	88
		2445	0	02	17
		4411	0	03	13
		2590	0	01	86
		2632	0	01	23
		4582	0	06	02
		4351	0	03	58
		2630	0	00	90

1	2	3	4	5	6
		2631	0	06	34
		2629	0	03	75
		2628	0	06	29
		4350	0	00	10
		2627	0	06	05
		2635	0	05	18
		2636	0	02	86
		2637	0	04	10
		2721	0	01	06
		2719	0	04	70
		2720	0	04	19
		2723	0	00	10
		2724	0	03	62
		2718	0	05	00
		2725	0	00	40
		2715	0	09	13
		2713	0	03	06
		2714	0	02	13
		2712	0	07	25
		2709	0	06	00
		2706	0	05	14
		2705	0	03	84
		2750	0	01	28
		2694	0	12	29
		621	0	06	79
		622	0	00	19
		620	0	07	01
		631	0	03	19
		634	0	09	17
		619	0	00	10
		641	0	01	01
		640	0	05	13
		642	0	01	77
		643	0	08	08
		646	0	11	52
		658	0	03	57
		657	0	05	26
		650	0	00	42
		656	0	14	38
		4306	0	01	92
		655	0	04	33

1	2	3	4	5	6
		560	0	02	15
		4303	0	06	84
		336	0	12	87
		4252	0	07	47
		341	0	02	63
		340	0	14	92
		337	0	00	56
		339	0	08	18
		338	0	04	42
		4285	0	05	31
		4282	0	02	61
	जयकृष्णपुर	25	0	06	91
		26	0	02	86
	नवगरडा	39	0	00	67
		41	0	04	65
		40	0	02	23
		34	0	01	67
		42	0	05	78
		43	0	01	61
		44	0	07	51
		46	0	04	22
		55	0	17	70
		54	0	04	95
		57	0	04	48
		56	0	00	14
		76	0	07	60
		11	0	04	66
		10	0	04	29
		9	0	00	32
		8	0	07	15
		6	0	00	75
		7	0	12	90
	चसाखण्ड	41	0	05	32
		55	0	25	43
		54	0	00	20
		50	0	02	31
		51	0	05	93
		52	0	00	10
		49	0	09	39
		43	0	15	53

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		42	0	01	94
		44	0	05	17
		17	0	10	84
		18	0	00	10
		15	0	07	63
		12	0	07	05
	मोल्तो	466	0	00	57
		467	0	01	68
		471	0	01	89
		470	0	10	17
		469	0	00	10
		484	0	03	30
		485	0	04	85
		486	0	06	01
		561	0	01	41
		496	0	00	24
		487	0	12	52
		495	0	05	11
		454	0	05	18
		504	0	10	88
		547	0	01	08
		505	0	10	24
		511	0	14	85
		546	0	00	10
		512	0	05	05
		519	0	00	78
		514	0	01	26
		516	0	15	64
		518	0	02	56
		517	0	03	15
		428	0	02	37
		421	0	08	19
		423	0	10	22
		424	0	11	46
		158	0	16	51
		156	0	00	10
		185	0	11	67
		186	0	12	64
		187	0	03	86
		150	0	11	45
		189	0	11	99

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		145	0	15	10
		144	0	06	34
		142	0	18	06
		138	0	16	47
		216	0	11	71
		137	0	03	26
		217	0	06	63
		136	0	06	38
	प्रतापपुर	337	0	00	55
		338	0	09	08
		340	0	05	02
		341	0	03	38
		344	0	11	92
		342	0	03	68
		343	0	09	97
		365	0	01	37
		366	0	10	30
		367	0	05	42
		369	0	11	98
		368	0	00	10
		370	0	06	00
		1438	0	04	29
		373	0	00	55
		375	0	00	35
		379	0	05	66
		380	0	00	42
		392	0	06	97
		382	0	00	10
		1431	0	02	67
		393	0	04	95
		394	0	00	17
		405	0	00	18
		396	0	04	71
		401	0	00	57
		400	0	03	12
		399	0	04	19
		439	0	06	47
		440	0	02	02
		441	0	04	15
		437	0	00	10

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		434	0	03	35
		432	0	00	10
		431	0	02	13
		430	0	04	96
		445	0	03	36
		446	0	01	32
	नालगुण्डा	311	0	16	11
		289	0	05	56
		290	0	02	21
		291	0	01	88
		303	0	04	20
		304	0	02	36
		302	0	01	19
		301	0	09	28
		300	0	00	60
		321	0	03	87
		324	0	00	85
		325	0	06	27
		104	0	09	84
		96	0	04	60
		95	0	04	69
		1736	0	00	11
		88	0	06	08
		93	0	00	10
		89	0	00	66
		90	0	07	08
		77	0	02	52
		85	0	00	77
		84	0	06	78
		78	0	02	12
		82	0	00	10
		79	0	07	03
		80	0	06	86
		81	0	01	44
		73	0	08	29
		65	0	02	68
		64	0	03	63
		56	0	07	68
		61	0	05	41
		57	0	01	64

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		60	0	02	31
		59	0	07	64
		58	0	06	13
		51	0	10	17
		423	0	00	10
		49	0	11	02
		424	0	01	76
		48	0	00	10
		46	0	07	00
		47	0	00	10
		45	0	03	25
		1	0	06	01
	कावपूनी	637	0	06	28
		351	0	07	29
		352	0	07	27
		357	0	01	97
		356	0	16	49
		355	0	02	59
		354	0	08	47
		374	0	07	73
		592	0	04	87
		591	0	05	83
		590	0	05	91
		589	0	04	88
		587	0	02	46
		588	0	07	76
		390	0	00	10
		389	0	05	08
		394	0	00	37
		404	0	00	12
		403	0	06	73
		402	0	05	14
		400	0	00	79
		401	0	08	15
		399	0	12	45
		156	0	05	69
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		413	0	05	74
		155	0	06	29
		416	0	00	97
		151	0	00	23

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		149	0	00	
		153	0	02	03
		148	0	02	87
		154	0	07	04
		147	0	02	69
		146	0	04	96
		145	0	01	75
		140	0	01	75
		143	0	01	29
		142	0	04	26
	नूवागन	89	0	08	12
		87	0	00	29
		90	0	01	73
		91	0	05	63
		92	0	04	80
		97	0	06	
		106	0	01	38
		103	0	17	37
		104	0	05	93
		102	0	02	25
		101	0	10	63
		99	0	00	10
		100	0	00	60
		145	0	10	57
		157	0	02	18
		156	0	09	83
		159	0	01	53
		155	0	04	15
		160	0	03	70
		154	0	00	10
		153	0	06	64
		152	0	06	72
		151	0	03	53
		167	0	06	92
		168	0	01	78
		174	0	01	53
		175	0	04	45
		179	0	00	57
		180	0	05	12

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		181	0	03	16
		182	0	00	67
		183	0	01	44
		202	0	19	30
		203	0	03	44
	खरंग	509	0	04	66
		510	0	13	37
		511	0	03	27
		526	0	08	10
		524	0	00	60
		525	0	01	28
		527	0	11	81
		523	0	06	34
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		533	0	00	49
		521	0	01	35
		534	0	06	11
		551	0	12	26
		553	0	14	63
		548	0	01	84
		433	0	01	36
		430	0	01	51
		431	0	09	70
		423	0	02	37
		422	0	10	59
		349	0	06	73
		348	0	05	35
		350	0	06	68
		343	0	14	69
		344	0	00	10
		335	0	02	28
		336	0	03	32
		324	0	11	34
		337	0	00	22
		323	0	03	63
		322	0	07	42
		295	0	06	32
		320	0	06	32
		296	0	02	94
		297	0	03	55

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		313	0	03	88
		310	0	00	10
		311	0	08	56
		312	0	00	80
		309	0	02	89
		314	0	01	05
		275	0	04	39
		272	0	06	15
		271	0	01	24
		269	0	01	44
		252	0	01	08
		139	0	02	16
		77	0	02	55
		76	0	00	10
		81	0	00	85
		83	0	00	85
		82	0	12	69
		84	0	01	15
		85	0	01	25
		19	0	02	37
		18	0	04	92
		16	0	00	67
		22	0	00	97
		20	0	02	14
		21	0	02	73
		30	0	02	59
		33	0	10	83
		1	0	06	17
मिनी डी	बहागपाल	495	0	10	72
		493	0	00	10
		492	0	05	57
		491	0	09	37
		488	0	02	06
		480	0	10	91
		485	0	00	34
		481	0	00	10
		482	0	02	05
		479	0	05	31
		483	0	00	37
		452	0	09	03

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		449	0	09	28
		138	0	00	10
		139	0	11	15
		134	0	00	24
		141	0	16	81
		142	0	00	17
		1628	0	01	73
		144	0	10	46
		131	0	00	10
		130	0	12	86
		129	0	09	05
		80	0	03	61
		81	0	07	06
		82	0	00	10
		78	0	05	36
		75	0	24	27
		77	0	03	25
		72	0	04	84
		71	0	04	81
		70	0	10	45
		52	0	00	10
		54	0	08	88
		45	0	00	57
		53	0	00	10
		37	0	11	44
		36	0	00	44
		35	0	04	02
		34	0	09	88
		28	0	03	96
		29	0	10	67
लक्ष्मीप्रसाद		323	0	03	99
		335	0	00	10
		324	0	00	60
		320	0	08	31
		325	0	02	72
		326	0	00	31
		260	0	00	55
		319	0	00	83
		263	0	04	36
		262	0	00	34

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		296	0	03	71
		264	0	00	35
		270	0	00	11
		271	0	00	91
		275	0	02	13
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		276	0	01	87
		277	0	04	18
		274	0	03	85
		280	0	00	17
		278	0	03	67
		167	0	01	68
		166	0	01	94
		165	0	05	14
		163	0	00	10
		164	0	04	60
	संतरापूर	1749	0	00	10
		1355	0	07	67
		1358	0	00	10
		1356	0	07	76
		1357	0	10	29
		1345	0	03	51
		1361	0	00	10
		1340	0	14	48
		1339	0	03	25
		1332	0	00	10
		1333	0	06	56
		1334	0	10	26
		1330	0	03	00
		1328	0	13	49
		1768	0	07	49
		1203	0	09	43
		1202	0	01	72
		1163	0	03	79
		1765	0	00	22
		1159	0	03	23
		1162	0	09	60
		1165	0	00	60
		1161	0	05	36
		1166	0	06	21

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		1149	0	08	07
		1148	0	00	21
		1170	0	05	45
		1171	0	01	90
		1172	0	01	23
		1179	0	11	91
		1146	0	05	82
		1082	0	09	33
		1083	0	12	20
	हरीसिंहपुर	855	0	00	10
		854	0	15	12
		856	0	23	29
		878	0	07	11
		876	0	00	10
		875	0	06	98
		874	0	03	47
		873	0	02	65
		872	0	00	61
		870	0	09	59
		900	0	05	18
		901	0	13	99
		902	0	09	06
		903	0	02	89
		917	0	00	18
		904	0	04	26
		905	0	02	74
		906	0	02	61
		909	0	00	52
		908	0	04	40
		907	0	03	09
		831	0	01	78
		832	0	00	89
		833	0	00	97
		839	0	05	56
	भानूपुर	185	0	05	31
		186	0	01	78
		188	0	00	86
		187	0	02	21
		190	0	00	36
		194	0	00	10

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		192	0	00	42
		196	0	03	24
		197	0	01	16
		198	0	00	97
		128	0	00	96
		127	0	00	87
		126	0	00	93
		125	0	00	68
		124	0	01	13
		123	0	32	74
		36	0	10	80
		35	0	00	35
	कान्हेपुर	398	0	00	11
		399	0	00	10
		400	0	06	68
		401	0	06	69
		403	0	05	70
		404	0	04	20
		405	0	00	82
		406	0	00	56
		408	0	02	20
		415	0	05	64
		412	0	03	80
		414	0	02	62
		413	0	01	57
		366	0	12	46
		369	0	00	10
		370	0	01	77
		365	0	04	17
		371	0	03	52
		358	0	05	85
		357	0	00	76
		356	0	06	40
		351	0	16	25
		339	0	00	73
		335	0	14	03
		334	0	05	24
		326	0	00	10
		327	0	05	68
		328	0	01	10

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		307	0	15	16
		306	0	01	04
		34	0	00	66
		33	0	23	35
		74	0	01	49
		31	0	00	73
		3	0	06	10
		13	0	09	12
		14	0	02	45
		15	0	05	74
		12	0	02	33
	सन्डंकपुर	115	0	12	72
		123	0	00	55
		99	0	12	64
		47	0	10	57
		48	0	02	44
		49	0	05	02
		52	0	06	17
		51	0	05	20
		50	0	00	10
		31	0	05	35
		30	0	00	10
		33	0	13	13
		28	0	01	81
	मोमानीपुर	59	0	02	59
	तागचन्दविन्धा	616	0	00	27
		590	0	41	22
		584	0	00	44
		581	0	01	03
		551	0	00	52
		552	0	10	57
		555	0	12	54
		554	0	19	66
		557	0	00	86
		573	0	00	10
		572	0	02	17
		571	0	06	60
		570	0	02	33
	वयनविन्धा	1314	0	00	10

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		1310	0	01	54
		1311	0	01	08
		1309	0	07	14
		1306	0	07	22
		1307	0	01	08
		1302	0	10	87
		1291	0	02	62
		1288	0	00	65
		1287	0	06	95
		1301	0	00	13
		1285	0	11	11
		1286	0	02	74
		1272	0	04	16
		1273	0	04	85
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		1061	0	06	57
		1058	0	02	41
		1057	0	00	74
		1047	0	04	28
		1043	0	02	33
		1045	0	01	55
		1044	0	02	16
		1034	0	00	10
		1033	0	03	53
		1032	0	02	74
		1030	0	17	69
		1005	0	10	00
		1006	0	07	24
		1007	0	03	88
		1009	0	00	93
		1008	0	01	42
		970	0	00	10
		942	0	14	66
		944	0	00	10

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		917	0	09	96
		916	0	00	94
		902	0	16	76
		903	0	02	25
		904	0	01	17
		905	0	01	72
		907	0	11	26
		906	0	05	47
	हाबुडासिंह	162	0	08	44
		159	0	01	70
		160	0	04	08
		156	0	06	07
		155	0	00	88
		158	0	00	92
		124	0	01	66
		126	0	05	97
		127	0	13	30
		129	0	00	85
		91	0	00	61
		143	0	06	58
		165	0	02	78
		134	0	09	87
		135	0	01	83
		142	0	00	89
		136	0	01	14
		141	0	01	58
		138	0	00	61
		139	0	01	23
		39	0	01	28
		38	0	02	04
	साहपुर	1183	0	10	29
		1182	0	00	23
		1165	0	12	27
		1164	0	10	92
		295	0	04	44
		300	0	04	54
		299	0	13	14
		298	0	06	70
		256	0	00	10

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		305	0	09	48
		255	0	08	73
		251	0	00	45
		253	0	05	96
		252	0	06	57
		250	0	03	46
		151	0	13	00
		154	0	10	50
		155	0	00	33
		156	0	13	75
		127	0	07	56
		112	0	10	51
		111	0	01	71
		113	0	05	84
		88	0	10	21
		89	0	02	56
		91	0	10	15
		93	0	03	52
		94	0	02	17
		95	0	02	94
		97	0	00	50
	कवीरपुर	1326	0	11	11
		1327	0	01	66
		1240	0	00	19
		1238	0	05	21
		1239	0	03	93
		1265	0	00	20
		1241	0	01	12
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		1247	0	02	84
		1248	0	04	98
		124	0	05	56
		1225	0	05	71
		1222	0	13	43
		1210	0	05	98
		1483	0	03	11
		1208	0	03	01
		1207	0	07	30

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		1196	0	00	10
		1194	0	02	23
		1193	0	00	50
		1116	0	07	82
		1431	0	01	97
		1115	0	08	03
		1114	0	06	79
	जाफ़ाबाद	515	0	07	71
		514	0	03	90
		512	0	04	61
		513	0	06	93
		1142	0	03	63
		1143	0	02	66
		511	0	02	23
		509	0	00	34
		1144	0	13	10
		526	0	00	55
		508	0	01	35
		506	0	09	27
		504	0	44	21
		494	0	00	58
		557	0	04	56
		559	0	07	56
		485	0	01	99
		483	0	00	10
		1139	0	01	73
		477	0	04	98
		478	0	06	85
		479	0	00	69
		475	0	10	14
		450	0	13	04
		327	0	01	92
		448	0	01	72
		330	0	10	14
		443	0	03	79
		442	0	11	05
		336	0	00	48
		337	0	02	82
		441	0	00	60
		338	0	05	47

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		1120	0	02	39
		354	0	03	02
		1184	0	00	10
		356	0	00	92
		1183	0	01	74
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		1182	0	03	77
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		397	0	00	71
		419	0	02	18
		400	0	01	91
		407	0	01	14
		408	0	04	15
	नव्हुनीपाल	282	0	02	16
		142	0	23	08
		266	0	04	23
		265	0	00	10
		155	0	16	89
		161	0	06	61
		162	0	00	37
		160	0	02	56
		159	0	09	91
		163	0	11	01
		158	0	00	10
		165	0	00	10
		164	0	05	43
		167	0	00	10
		35	0	18	96
		22	0	01	08
		13	0	02	11
		12	0	01	87
		23	0	00	75
		24	0	02	58
		25	0	03	97
		10	0	03	49
		289	0	09	52
	बहावलपुर	1506	0	03	94
		1505	0	02	90
		1494	0	04	54

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		1493	0	04	02
		1237	0	02	85
		1241	0	06	25
		1962	0	01	12
		1242	0	13	00
		1231	0	15	32
		1248	0	00	10
		1250	0	02	43
		1252	0	00	71
		1249	0	09	52
		1457	0	00	15
		1251	0	07	77
		1961	0	06	80
		1260	0	10	64
		1451	0	00	10
		1259	0	05	63
		1448	0	03	63
		1276	0	01	19
		1275	0	00	18
		1273	0	09	36
		1279	0	00	82
		1280	0	01	82
		1281	0	01	95
		1283	0	10	59
		1284	0	00	96
		1285	0	02	60
		1107	0	01	50
		1105	0	02	88
		1108	0	00	10
		1106	0	02	28
		1104	0	06	18
		1101	0	13	77
		1102	0	05	50
बासुदेबपूर	कोरबाटीयाबड़ा	461	0	03	94
		462	0	00	45
		466	0	03	42
		463	0	00	57
		465	0	02	05
		467	0	06	02
		456	0	01	14
		468	0	00	41

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		455	0	06	49
		451	0	13	12
		412	0	00	95
		418	0	02	14
		417	0	09	08
		416	0	06	21
		271	0	07	48
		244	0	07	27
		247	0	01	01
		246	0	00	10
		245	0	10	00
		249	0	00	52
		243	0	09	54
		250	0	03	79
		253	0	15	02
		255	0	03	13
		257	0	16	87
		269	0	00	10
		268	0	00	10
		267	0	01	20
		33	0	09	20
		28	0	16	56
		30	0	08	43
		27	0	01	33
		41	0	00	51
		46	0	00	10
		15	0	00	10
		14	0	16	12
		13	0	11	55
		10	0	06	62
		5	0	04	23
	मवादिला	116	0	06	10
		115	0	01	17
		113	0	00	34
		117	0	01	11
		112	0	00	21
		118	0	08	53
		121	0	04	18
		122	0	10	37
		123	0	09	10
		124	0	09	04

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		128	0	01	46
		254	0	01	37
		255	0	17	13
		253	0	18	61
		252	0	00	10
		150	0	10	20
		149	0	03	13
		151	0	02	80
		146	0	07	29
		156	0	09	35
		157	0	05	95
	जगन्नाथप्रसाद	1973	0	06	40
		1974	0	05	81
		1976	0	01	23
		1977	0	10	11
		1376	0	03	82
		1375	0	01	88
		1343	0	06	41
		1342	0	05	18
		1341	0	08	48
		1344	0	00	10
		1347	0	00	74
		1350	0	08	24
		1349	0	02	56
		1355	0	05	69
		1356	0	09	65
		1354	0	00	24
		1252	0	10	29
		1251	0	04	16
		1253	0	01	78
		1254	0	04	97
		1255	0	01	81
		1257	0	06	14
		1250	0	05	77
		265	0	05	94
		269	0	04	83
		264	0	00	63
		270	0	03	94
		262	0	00	69
		247	0	04	53
		261	0	01	15

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		248	0	08	71
		255	0	10	68
		196	0	02	24
		195	0	07	45
		194	0	03	46
		193	0	09	95
		51	0	13	09
		54	0	05	53
		56	0	08	28
		57	0	09	36
		55	0	00	10
		58	0	05	38
		68	0	00	62
		67	0	01	40
		66	0	02	83
		65	0	07	82
		64	0	00	10
		75	0	09	32
		76	0	13	05
		95	0	04	34
		90	0	01	45
		83	0	01	45
		85	0	00	60
		89	0	01	39
		86	0	02	30
		88	0	01	07
		87	0	01	30
		93	0	12	66
		94	0	06	33
		103	0	01	38
		97	0	00	31
		96	0	03	69
	जयकृष्णपुर	609	0	11	71
		610	0	00	10
		593	0	07	21
		592	0	04	61
		586	0	00	96
		585	0	00	24
		587	0	03	81
		561	0	01	66

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		558	0	12	29
		507	0	06	10
		564	0	00	10
		506	0	10	27
		503	0	13	55
		496	0	03	15
		497	0	00	10
		495	0	04	67
		473	0	03	14
		474	0	02	26
		476	0	00	10
		475	0	15	08
		467	0	00	30
		438	0	00	52
		439	0	07	70
		440	0	11	45
		429	0	02	54
		426	0	12	24
		423	0	02	53
		422	0	02	62
		421	0	04	68
		420	0	07	02
		419	0	08	63
		417	0	07	74
		416	0	04	60
		414	0	04	50
		411	0	01	02
		68	0	09	87
		77	0	15	08
		71	0	04	95
		73	0	05	39
		72	0	12	17
		60	0	06	49
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		59	0	02	58
		18	0	00	59
		19	0	08	42
		9	0	03	90
		10	0	02	04
		8	0	05	71

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		6	0	02	77
		22	0	04	60
		24	0	04	22
		25	0	01	46
		5	0	00	66
		4	0	02	66
		2	0	17	99
	काशीअभिराम	97	0	10	68
		96	0	05	99
		95	0	00	26
		90	0	11	43
		23	0	00	97
		21	0	12	38
		20	0	02	63
		17	0	03	15
		27	0	00	21
		16	0	02	98
		6	0	24	07
		3	0	10	66
		4	0	00	18
		2	0	10	04
		1	0	04	18
	कामारगन	3753	0	02	53
		3751	0	02	35
		3752	0	00	48
		3749	0	01	35
		3738	0	00	29
		3739	0	03	58
		3736	0	12	89
		3742	0	03	06
		3712	0	02	11
		3697	0	08	73
		3696	0	05	95
		3679	0	00	10
		3676	0	13	85
		3744	0	03	86
		3668	0	00	48
		3667	0	04	28
		3666	0	11	79
		3665	0	05	00

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		3664	0	08	87
		3660	0	09	23
		3661	0	00	61
		3662	0	05	38
		3014	0	09	34
		2973	0	07	52
		2972	0	11	06
		2968	0	05	81
		2971	0	01	60
		2969	0	06	37
		2967	0	07	54
		2962	0	02	95
		2963	0	03	87
		2964	0	05	53
		3944	0	04	11
		2933	0	05	10
		2924	0	04	33
		2925	0	06	76
		2929	0	03	54
		2926	0	00	10
		2927	0	02	28
		2928	0	05	87
		2912	0	04	37
		2934	0	05	52
		2935	0	05	53
		2884	0	02	21
चिरोल		1451	0	00	74
		1450	0	22	97
		1449	0	08	73
		1448	0	02	44
		1447	0	10	65
		1438	0	03	16
		1446	0	00	17
		1441	0	01	65
		1445	0	11	29
		1407	0	03	48
		1406	0	00	83
		1409	0	05	50
		1408	0	05	85
		1411	0	06	29
		1404	0	01	62

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		1400	0	05	08
		1402	0	13	45
		1414	0	02	55
		1415	0	05	67
		1416	0	01	50
		1386	0	00	92
		1396	0	11	52
		1388	0	03	29
		1395	0	20	61
		1393	0	01	70
		1390	0	01	24
		1391	0	04	03
		1272	0	08	53
		1271	0	03	76
		1270	0	00	95
		1275	0	02	59
		1267	0	00	61
		1266	0	12	15
		1264	0	00	10
		1265	0	06	55
		1212	0	05	00
	बेलासॉवलिया	1730	0	04	53
		1713	0	00	26
		1711	0	01	66
		1667	0	02	32
		1710	0	14	75
		1674	0	01	33
		1675	0	00	42
		1676	0	04	19
		1677	0	03	56
		1678	0	00	10
		1693	0	01	35
		1692	0	07	21
		1694	0	00	23
		1695	0	00	16
		1696	0	06	90
		1697	0	01	10
		1698	0	03	22
	खारिडाविनायकपुर	3378	0	01	51

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		3067	0	01	46
		3040	0	04	36
		3039	0	07	78
		3038	0	02	38
		3037	0	02	02
		1430	0	08	07
		1438	0	08	32
		1442	0	18	18
		1449	0	00	13
		1450	0	12	87
		1422	0	00	61
		1462	0	00	10
		1451	0	08	10
		1452	0	00	75
		1459	0	00	53
		1456	0	07	36
		1453	0	03	86
		1454	0	06	48
		1223	0	16	10
		1221	0	00	10
		1222	0	01	45
		1100	0	00	10
		1099	0	06	52
		1098	0	05	67
		1097	0	00	35
		970	0	11	70
		998	0	01	31
		976	0	02	53
		975	0	01	21
		974	0	00	10
		977	0	00	77
		967	0	06	40
		980	0	00	63
		963	0	01	65
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		965	0	00	20
		962	0	01	53
		961	0	07	97
		909	0	01	06
		910	0	01	75
		911	0	00	64

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		912	0	03	59
		914	0	03	17
		921	0	13	77
		920	0	02	26
		919	0	00	10
		918	0	01	58
		922	0	01	25
		933	0	05	61
		923	0	01	62
		932	0	01	09
		924	0	06	64
		925	0	01	86
		714	0	04	00
		927	0	21	35
		3871	0	08	70
		401	0	07	12
		398	0	02	07
		397	0	02	83
		396	0	07	21
		384	0	00	10
		386	0	09	15
		347	0	01	45
		348	0	00	10
		349	0	03	22
		350	0	03	39
		351	0	01	35
		361	0	02	22
		360	0	04	18
		359	0	03	22
		355	0	02	40
		356	0	02	99
		357	0	02	10
		275	0	02	58
		274	0	01	97
		273	0	05	04
		241	0	06	16
		242	0	00	10
		243	0	00	10
		244	0	02	85
		245	0	03	19
		247	0	00	10

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		246	0	03	44
		227	0	00	90
		224	0	01	60
		226	0	02	78
		225	0	03	62
		216	0	00	10
		217	0	02	03
		219	0	00	34
		218	0	04	14
		147	0	01	03
		148	0	04	63
		149	0	00	10
		145	0	04	80
		144	0	03	82
		142	0	07	88
		121	0	00	23
		122	0	01	93
		123	0	01	33
		125	0	00	62
		126	0	00	10
		129	0	00	23
		130	0	22	52
		13	0	01	19
		14	0	01	47
		3834	0	04	09
		15	0	02	92
		16	0	01	44
		17	0	00	48
		18	0	00	10
		9	0	26	87
		7	0	01	64
		1	0	07	90
	बासुदेबपूर	4352	0	28	25
		4398	0	06	69
		4397	0	02	82
		4396	0	02	22
		4395	0	03	99
		4393	0	01	26
		4394	0	00	17
		4392	0	05	59
		4391	0	00	10

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	सुखदबपुर	542	0	01	23
		529	0	02	72
		528	0	00	14
		527	0	02	66
		1472	0	01	41
		526	0	02	26
		522	0	01	73
		524	0	01	77
		523	0	06	00
		520	0	06	09
		517	0	01	51
		516	0	08	24
		502	0	01	98
		505	0	02	11
		1473	0	00	60
		506	0	00	42
		504	0	01	70
		507	0	00	59
		369	0	01	09
		370	0	01	39
		371	0	00	82
		33	0	01	47
		34	0	06	42
		35	0	03	06
		37	0	03	35
		36	0	03	18
	सुगुंडा	674	0	05	31
		675	0	00	75
		676	0	05	57
		685	0	08	53
		686	0	02	10
		687	0	07	08
		698	0	04	74
		696	0	08	55
		694	0	02	91
		704	0	01	60
		705	0	13	14
		709	0	05	79
		551	0	06	60
		550	0	00	47

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		549	0	05	59
		548	0	00	18
		546	0	09	74
		723	0	00	26
		520	0	05	73
		521	0	04	15
		516	0	22	30
		302	0	01	50
		301	0	01	66
		300	0	01	76
		73	0	00	72
		74	0	00	10
		76	0	12	50
		83	0	17	83
		93	0	09	76
		92	0	07	60
		97	0	05	74
		98	0	04	15
		100	0	07	30
		110	0	11	11
		112	0	00	10
		109	0	05	41
		108	0	01	87
		115	0	04	97
		114	0	00	67
		126	0	07	52
		127	0	01	60
		128	0	02	85
		132	0	06	70
		133	0	00	94
		135	0	00	52
		136	0	02	25
		5	0	08	04
	गुआगन	585	0	08	13
		582	0	03	57
		586	0	01	61
		587	0	01	08
		607	0	10	38
		680	0	11	46
		610	0	00	10

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	611	0	02	25
	678	0	09	24
	679	0	00	66
	675	0	13	39
	661	0	05	07
	658	0	11	60
	657	0	01	28
	696	0	01	47
	697	0	01	96
	698	0	01	24
	719	0	03	46
	718	0	08	94
	717	0	05	82
	722	0	00	50
	908	0	05	02
	907	0	00	54
	906	0	09	18
	911	0	01	91
	912	0	01	86
	913	0	01	39
	914	0	02	07
	921	0	05	25
	922	0	00	62
	920	0	04	29
	932	0	00	10
	930	0	05	82
	931	0	07	34
	2031	0	04	93
	2027	0	03	65
	2028	0	04	77
	2029	0	00	18
	2024	0	00	50
	2001	0	12	91
	1897	0	08	50
	1760	0	00	65
	1761	0	03	84
	1782	0	06	82
	1781	0	08	49
	1783	0	01	53
	1780	0	07	53
	1774	0	01	38

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		1778	0	06	53
		1775	0	11	57
		1776	0	00	45
		1709	0	07	81
		1707	0	13	57
		1706	0	00	18
		1652	0	03	48
		1651	0	02	61
		1629	0	00	29
		1631	0	05	86
		1650	0	00	15
		1648	0	06	50
		1647	0	00	10
		1646	0	04	21
		1642	0	06	29
		1643	0	02	62
		1638	0	07	45
		1641	0	01	79
		1640	0	00	71
		1639	0	00	18
		1584	0	00	52
		1578	0	02	82
		1577	0	02	36
		1576	0	04	14
		1575	0	00	18
		1574	0	02	31
		1573	0	02	13
		1572	0	02	42
		1571	0	04	26
		1552	0	10	85
		1554	0	12	76
		1551	0	06	65
		1547	0	19	38
		1542	0	02	90
		1541	0	09	30
		1540	0	00	10
		1537	0	01	68
		1536	0	12	50
		1535	0	00	22
		1534	0	20	39
		1475	0	06	88

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		1432	0	00	10
		1434	0	06	74
		1435	0	07	78
		1436	0	08	31
		1437	0	03	03
		1454	0	11	14
		1470	0	20	94
		1477	0	00	51
		1476	0	03	49
		1474	0	13	25
		1473	0	03	98
	बाखरपुर	151	0	06	74
		152	0	03	51
		140	0	00	15
		141	0	12	31
		142	0	00	24
		127	0	02	00
		123	0	03	30
		126	0	04	93
		125	0	05	60
		113	0	00	13
		114	0	08	03
	बासहत्ती	348	0	03	98
		349	0	06	22
		351	0	02	42
		362	0	01	06
		363	0	02	25
		352	0	01	32
		356	0	00	10
		360	0	08	41
		358	0	04	93
		359	0	00	10
		357	0	03	10
		324	0	00	63
		257	0	00	62
		280	0	03	02
		281	0	03	33
		278	0	01	24
		276	0	11	95

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		275	0	06	48
		273	0	03	42
		272	0	05	27
		270	0	00	76
		269	0	00	45
		148	0	00	33
		149	0	00	20
		147	0	05	77
		145	0	03	07
		150	0	00	10
		144	0	02	83
		143	0	15	13
		142	0	05	48
		30	0	09	44
		31	0	00	10
		32	0	09	87
		29	0	00	10
		23	0	07	18
		27	0	00	10
		24	0	04	07
		25	0	03	85
		21	0	01	76
		26	0	02	30
		8	0	00	58
		11	0	11	62
		9	0	00	10
		10	0	01	00
	सुदर्शनपुर	1994	0	65	30
		1993	0	00	10
	सुआंन	1099	0	07	22
		1100	0	00	44
		1101	0	01	47
		1106	0	10	24
		1102	0	00	10
		1107	0	02	47
		2603	0	00	10
		2604	0	05	15
		1105	0	00	47
		1119	0	09	75
		1118	0	00	20

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		1110	0	00	10
		1117	0	03	40
		1116	0	08	01
		1115	0	01	16
		1175	0	00	48
		1174	0	03	83
		1173	0	01	15
		1171	0	00	63
		1172	0	04	74
		1166	0	04	33
		1180	0	05	12
		1181	0	03	36
		1182	0	02	64
		1183	0	00	28
		1184	0	00	68
		1189	0	07	33
		1188	0	00	10
		1190	0	00	90
		1194	0	06	25
		1193	0	04	48
		1196	0	00	91
		2606	0	00	10
		2605	0	00	47
		1199	0	00	10
		1197	0	09	26
		1232	0	01	06
		1230	0	04	18
		1231	0	00	55
		1204	0	01	65
		1216	0	08	74
		1215	0	00	10
		1214	0	01	46
		1213	0	02	68
		1212	0	00	45
		1209	0	01	70
		1210	0	04	38
		1211	0	00	10
		1297	0	01	00
		1369	0	06	63
		1367	0	00	33
		1370	0	05	46

1	2	3	4	5	6
		1371	0	05	65
		1397	0	08	37
		1379	0	00	10
		1380	0	01	06
		1395	0	05	46
		1392	0	10	50
		1394	0	07	51
		1393	0	00	65
		1534	0	03	17
		1535	0	03	58
		1533	0	00	49
		1536	0	04	62
		1538	0	00	43
		1545	0	03	39
		1546	0	05	44
		1543	0	07	13
		1542	0	00	10
		1550	0	02	92
		1551	0	00	45
		1567	0	02	60
		1562	0	00	23
		1565	0	05	24
		1564	0	05	30
		1563	0	05	08
		1170	0	03	35
		2623	0	01	06
		1574	0	03	66
		1581	0	15	52
		1614	0	06	24
		1613	0	04	67
		1616	0	04	00
		1617	0	00	10
		1608	0	12	49
		1607	0	02	98
		1606	0	04	39
		1627	0	10	61
		1631	0	08	58
		1653	0	02	92
		1654	0	04	94
		1655	0	01	90
		1656	0	04	04

1	2	3	4	5	6
		1658	0	03	55
		1657	0	02	62
		1659	0	04	16
	अस्तुंग	778	0	16	15
		670	0	00	20
		671	0	00	10
		673	0	01	91
		677	0	00	35
		679	0	00	85
		676	0	00	50
		523	0	03	19
		522	0	03	60
		511	0	01	96
		510	0	01	76
		512	0	10	63
		513	0	04	99
		514	0	02	18
		496	0	01	44
		495	0	02	83
		516	0	01	24
		391	0	01	98
		493	0	00	10
		494	0	02	55
		492	0	00	10
		392	0	00	78
		394	0	05	94
		323	0	00	57
		322	0	02	37
		324	0	00	19
		321	0	02	66
		326	0	07	44
		260	0	01	65
		265	0	05	74
		261	0	00	66
		262	0	00	10
		3929	0	10	00
		254	0	06	23
		266	0	00	10
		206	0	01	79
		3994	0	01	84
		252	0	00	37

1	2	3	4	5	6
		207	0	01	74
		208	0	02	86
		210	0	02	93
		209	0	04	70
		122	0	11	78
		160	0	01	09
		161	0	00	10
		159	0	02	53
		3711	0	00	10
		123	0	00	10
		133	0	09	48
		91	0	00	10
		92	0	01	79
		3818	0	02	05
		93	0	04	20
		3817	0	00	10
		83	0	02	21
		84	0	02	42
		88	0	00	91
		85	0	01	64
		87	0	03	22
		73	0	00	10
		86	0	01	45
		74	0	07	87
		28	0	02	82
		26	0	03	35
		27	0	05	97
	दामोदरपुर	46	0	05	86
		47	0	00	37
		48	0	00	75
		49	0	01	52
		50	0	01	60
		51	0	01	96
		45	0	02	02
		39	0	06	59
		37	0	08	75
		32	0	02	42
		36	0	05	94
		35	0	01	66
		33	0	02	43
		34	0	02	92

1	2	3	4	5	6
		812	0	04	51
		17	0	02	99
		18	0	11	04
		19	0	05	86
	पारुहा	131	0	01	28
		133	0	01	78
		132	0	02	57
		130	0	01	51
		129	0	01	18
		40	0	06	06
		39	0	00	10
		41	0	10	11
		126	0	00	32
		127	0	00	10
		92	0	02	73
		91	0	01	79
		89	0	06	40
		87	0	00	62
		88	0	07	61
		84	0	00	10
		3929	0	01	90
		85	0	02	61
		86	0	01	92
		3927	0	00	12
		3928	0	03	14
		79	0	13	69
		58	0	01	88
		60	0	00	37
		59	0	00	85
		67	0	05	09
		62	0	00	10
		63	0	06	84
		65	0	06	84
	राधामोहनपुर	973	0	06	86
		972	0	11	70
		978	0	04	74
		985	0	03	57
		986	0	00	86
		987	0	00	43
		983	0	05	19

1	2	3	4	5	6
		988	0	06	02
		993	0	00	45
		992	0	05	74
		994	0	01	62
		995	0	02	31
		1001	0	00	68
		1000	0	05	43
		1007	0	04	98
		1005	0	02	46
		1011	0	11	69
		1012	0	00	55
		922	0	02	29
		886	0	00	10
		884	0	00	96
		882	0	03	05
		883	0	05	68
		835	0	02	03
		877	0	07	77
		876	0	00	88
		875	0	04	70
		870	0	02	68
		869	0	03	71
		851	0	00	36
		865	0	03	36
		864	0	01	43
		866	0	01	58
		855	0	04	55
		854	0	02	16
		790	0	05	34
		789	0	04	36
		787	0	03	35
		786	0	09	85
		256	0	03	00
		255	0	03	83
		257	0	04	59
		1564	0	01	08
		267	0	00	44
		264	0	05	18
		266	0	05	83
		269	0	02	41
		270	0	08	13

1	2	3	4	5	6
		1633	0	00	10
		271	0	01	14
		272	0	09	48
		273	0	01	33
		486	0	05	18
		1611	0	04	45
		481	0	00	42
		478	0	00	10
		477	0	15	26
		475	0	03	40
		476	0	01	88
		473	0	10	76
		1714	0	00	10
		472	0	02	10
		303	0	01	79
		467	0	00	10
		469	0	04	68
		468	0	06	83
		463	0	06	69
		461	0	06	79
		460	0	05	29
		459	0	04	24
		376	0	00	10
		449	0	10	36
		448	0	07	94
		444	0	06	33
		451	0	00	10
		443	0	03	91
		433	0	00	10
		428	0	02	44
		427	0	04	18
		425	0	01	29
		426	0	03	20
		419	0	02	62
		420	0	01	17
		424	0	02	69
		421	0	02	11

1	2	3	4	5	6
		422	0	01	52
		423	0	03	82
		408	0	01	89
		627	0	02	55

[फ़. सं. आर-25011/11/2004-ओ.आर-1]

रेणुका कुमार, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 30th September, 2004

S. O. 2517.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide S.O. No. 1293 dated the 31st May, 2004, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of crude oil from Paradip in the State of Orissa to Haldia in the State of West Bengal by the Indian Oil Corporation Limited.

And whereas, the copies of the said gazette notification were made available to the public on 2nd July, 2004;

And whereas, the Competent Authority in pursuance of sub-section (1) of Section 6 of the said Act, has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report, is satisfied that the right of user in the land specified in the schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines.

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vests, from the date of publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

Schedule

District : Bhadrak

State : Orissa

Name of Tahasil	Name of Village	Khasara No.	Hectare	Area Are	Sq.mtr.
1	2	3	4	5	6
Chandbali	Kuli	581	0	18	31
		652	0	04	36
		81	0	00	10
		82	0	00	78
		83	0	08	10
	Goladiha	217	0	06	94
		225	0	00	76
		224	0	00	67
		218	0	00	62
		219	0	00	98
		220	0	00	15
		320	0	03	36
		309	0	00	49
		308	0	02	72
		307	0	01	25
		305	0	04	08
		304	0	00	25
		306	0	00	61
		302	0	01	79
		300	0	01	50
		301	0	00	10
		298	0	01	78
		297	0	04	09
		265	0	00	38
		296	0	00	10
		294	0	05	76
		293	0	03	59
		269	0	01	40
		292	0	00	80
		272	0	02	28
		273	0	04	21
		270	0	00	12
		274	0	00	69

1	2	3	4	5	6
		276	0	01	89
		588	0	02	02
		587	0	03	83
		584	0	01	20
		586	0	00	10
		585	0	02	54
		583	0	00	10
		608	0	10	48
		579	0	00	10
		609	0	00	10
		577	0	06	96
		573	0	01	66
		576	0	00	45
		574	0	02	08
		575	0	03	25
		561	0	02	35
		628	0	05	44
		560	0	00	33
		629	0	00	84
		559	0	00	84
		558	0	00	73
		557	0	00	74
		556	0	02	54
		495	0	12	98
		555	0	01	25
		496	0	03	09
		497	0	03	94
		498	0	03	25
		552	0	00	76
		549	0	00	82
		548	0	02	43
		546	0	00	10
		547	0	05	60
		543	0	06	93
		537	0	08	10
		538	0	03	80
		541	0	00	28
		542	0	00	15
		539	0	00	96
		540	0	01	19
		27	0	06	05

1	2	3	4	5	6
	Baligan	945	0	00	95
		946	0	03	
		947	0	03	
		948	0	01	
		949	0	05	
		3548	0	00	
		5486	0	02	
		3521	0	05	
		3520	0	01	
		3519	0	03	90
		3522	0	02	
		3492	0	00	10
		3523	0	06	17
		3491	0	06	49
		3485	0	00	10
		3486	0	00	10
		3490	0	00	47
		5505	0	02	32
		3494	0	02	89
		3467	0	02	19
		3464	0	04	61
		3466	0	01	22
		3465	0	02	14
		3434	0	03	92
		3433	0	00	52
		3428	0	05	02
		3427	0	05	17
		3426	0	04	44
		3416	0	01	97
		3415	0	01	05
		3414	0	00	10
		5050	0	12	40
		3417	0	01	48
		3418	0	00	16
		3377	0	02	82
		3376	0	01	97
		3382	0	03	93
		3385	0	01	96
		3383	0	01	81
		3384	0	00	90
		3364	0	12	37

1	2	3	4	5	6
		3365	0	00	10
		3764	0	00	77
		3771	0	03	25
		3772	0	02	35
		3773	0	05	44
		3770	0	00	33
		5526	0	00	84
		3767	0	01	30
		3776	0	00	63
		5501	0	02	83
		3777	0	00	58
		3824	0	01	42
		3825	0	02	23
		3823	0	03	08
		3826	0	00	10
		3833	0	03	77
		3832	0	02	99
		3831	0	02	14
		3852	0	02	68
		3850	0	02	07
		3849	0	02	28
		3848	0	12	94
		3975	0	04	98
		3974	0	02	37
		3973	0	02	47
		3971	0	00	17
		3972	0	00	56
		3977	0	02	03
		3978	0	01	68
		5286	0	02	00
		3219	0	01	83
		3218	0	03	11
		3217	0	04	03
		5037	0	00	10
		3211	0	01	71
		3212	0	01	51
		3216	0	01	36
		3215	0	01	48
		5334	0	01	57
		3214	0	01	81
		5300	0	01	33

1	2	3	4	5	6
		3081	0	01	66
		3080	0	00	83
		3082	0	02	10
		3079	0	00	89
		3089	0	00	18
		3078	0	07	15
		3090	0	00	10
		3074	0	03	66
		5135	0	03	15
		3091	0	00	10
		3095	0	00	13
		3097	0	02	17
		3096	0	01	30
		5404	0	01	43
		5122	0	00	13
		2451	0	00	10
		2890	0	03	83
		2891	0	02	68
		2889	0	03	67
		2894	0	00	54
		2895	0	00	67
		2888	0	09	29
		5026	0	01	15
		2901	0	01	20
		2887	0	02	37
		2886	0	03	47
		5085	0	02	78
		2470	0	03	96
		2475	0	00	99
		2474	0	03	23
		2476	0	08	07
		2477	0	00	10
		2479	0	06	88
		2482	0	03	88
		2487	0	03	20
		5009	0	00	11
		2486	0	03	17
		2483	0	00	16
		5010	0	00	10
		2485	0	04	37
		2484	0	03	65

1	2	3	4	5	6
		2352	0	01	56
		2348	0	00	51
		2237	0	00	30
		2347	0	00	89
		2346	0	07	28
		2345	0	00	10
		2344	0	04	20
		2343	0	03	41
		2340	0	03	36
		5250	0	02	09
		2338	0	01	08
		2337	0	01	08
		2334	0	00	46
		2335	0	02	42
		2336	0	00	10
		2331	0	03	26
		5241	0	03	95
		2333	0	12	31
		2249	0	08	14
		2260	0	03	26
		2259	0	02	24
		2261	0	00	26
	Baraostia	1101	0	06	23
		1102	0	00	10
		1100	0	00	91
		1103	0	06	29
		1104	0	04	74
		1105	0	03	88
		1056	0	01	48
		1053	0	01	26
		1052	0	01	74
		1051	0	12	49
		1054	0	04	56
		1050	0	00	10
		1047	0	01	03
		1048	0	00	11
		970	0	09	31
		967	0	04	63
		969	0	01	17
		968	0	00	68
		966	0	03	45

1	2	3	4	5	6
		965	0	01	06
		964	0	01	11
		963	0	03	40
		917	0	02	75
		919	0	02	93
		921	0	03	52
		922	0	03	70
		925	0	04	33
		924	0	00	10
		927	0	08	86
		909	0	00	10
		928	0	00	23
		908	0	03	90
		902	0	02	68
		904	0	01	19
		905	0	03	18
		906	0	01	07
		886	0	01	83
		695	0	08	07
		694	0	01	27
		696	0	10	96
		731	0	04	35
		711	0	00	10
		712	0	02	01
		713	0	02	00
		725	0	00	10
		724	0	00	10
		722	0	00	88
		721	0	00	92
		714	0	05	10
		715	0	05	04
		603	0	14	14
		602	0	00	10
		599	0	00	10
		264	0	11	51
		269	0	06	26
		274	0	00	10
		275	0	14	46
		283	0	00	11
		286	0	00	51
		285	0	03	08

2	3	4	5	6
	284	0	01	57
	288	0	01	81
	287	0	00	10
	1459	0	00	93
	289	0	00	36
	290	0	00	10
	295	0	01	72
	1460	0	02	23
	1461	0	02	60
	296	0	00	28
	294	0	04	78
	293	0	00	14
	306	0	00	14
	305	0	04	35
	307	0	03	90
	308	0	02	05
	309	0	03	38
	310	0	01	20
	311	0	00	63
	312	0	00	63
	314	0	05	26
	318	0	06	13
	320	0	00	84
	321	0	10	11
	322	0	00	96
	332	0	00	14
	333	0	11	54
Panaspada	972	0	04	53
	971	0	03	23
	945	0	00	20
	969	0	06	27
	946	0	00	10
	947	0	03	22
	948	0	00	72
	950	0	00	10
	955	0	00	10
	968	0	00	26
	967	0	01	49
	966	0	02	55
	965	0	02	77
	956	0	04	07

1	2	3	4	5	6
		919	0	01	31
		920	0	00	27
		918	0	02	26
		915	0	05	14
		914	0	03	71
		512	0	01	00
		513	0	04	92
		516	0	00	32
		517	0	01	22
		912	0	01	57
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	Habudasingh	162	0	08	44
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		158	0	00	92
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	Kabirpur	1326	0	11	11
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	Jafrabad	515	0	07	71
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		1142	0	03	63
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		407	0	01	14
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	Nahunipal	282	0	02	16
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		23	0	00	75
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	Bahabalpur	1506	0	03	94
		1505	0	02	90
		1494	0	04	54

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		1281	0	01	95
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Basudevpur	Korabatiabara	461	0	03	94
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		463	0	00	57
		465	0	02	05
		467	0	06	02
		456	0	01	14
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	Mabadilla	116	0	06	10
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		117	0	01	11
		112	0	00	21
		118	0	08	53
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		157	0	05	95
	Jagannathprasad	1973	0	06	40
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		1977	0	10	11
		1376	0	03	82
		1375	0	01	88
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		103	0	01	38
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	Jayakrushnapur	609	0	11	71
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		421	0	04	68
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	Kasiabhiram	97	0	10	68
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		95	0	00	26
		90	0	11	43
		23	0	00	97
		21	0	12	38
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		3	0	10	66
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	Kamargan	3753	0	02	53
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		3738	0	00	29
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Chirol		1451	0	00	74
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	Belasaunlia	1730	0	04	53
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		1667	0	02	32
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Basudebpur		4352	0	28	25
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		4397	0	02	82
		4396	0	02	22
		4395	0	03	99
		4393	0	01	26
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	Sungura	674	0	05	31
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		76	0	12	50
		83	0	17	83
		93	0	09	76
		92	0	07	05
		97	0	05	74
		98	0	04	16
		100	0	07	30
		110	0	11	11
		112	0	00	10
		109	0	05	41
		108	0	01	87
		115	0	04	97
		114	0	00	67
		126	0	07	52
		127	0	01	60
		128	0	02	85
		132	0	06	70
		133	0	00	94
		135	0	00	52
		136	0	02	25
		5	0	08	04
	Guagan	585	0	08	13
		582	0	03	57
		586	0	01	61
		587	0	01	08
		607	0	10	38
		680	0	11	46
		610	0	00	10

1	2	3	4	5	6
		611	0	02	25
		678	0	09	24
		679	0	00	66
		675	0	13	39
		661	0	05	07
		658	0	11	60
		657	0	01	28
		696	0	01	47
		697	0	01	96
		698	0	01	24
		719	0	03	46
		718	0	08	94
		717	0	05	82
		722	0	00	50
		908	0	05	02
		907	0	00	54
		906	0	09	18
		911	0	01	91
		912	0	01	86
		913	0	01	39
		914	0	02	07
		921	0	05	25
		922	0	00	62
		920	0	04	29
		932	0	00	10
		930	0	05	82
		931	0	07	34
		2031	0	04	93
		2027	0	03	65
		2028	0	04	77
		2029	0	00	18
		2024	0	00	50
		2001	0	12	91
		1897	0	08	50
		1760	0	00	65
		1761	0	03	84
		1782	0	06	82
		1781	0	08	49
		1783	0	01	53
		1780	0	07	53
		1774	0	01	38

1	2	3	4	5	6
		1778	0	06	53
		1775	0	11	57
		1776	0	00	45
		1709	0	07	81
		1707	0	13	57
		1706	0	00	18
		1652	0	03	48
		1651	0	02	61
		1629	0	00	29
		1631	0	05	86
		1650	0	00	15
		1648	0	06	50
		1647	0	00	10
		1646	0	04	21
		1642	0	06	29
		1643	0	02	62
		1638	0	07	45
		1641	0	01	79
		1640	0	00	71
		1639	0	00	18
		1584	0	00	52
		1578	0	02	82
		1577	0	02	36
		1576	0	04	14
		1575	0	00	18
		1574	0	02	31
		1573	0	02	13
		1572	0	02	42
		1571	0	04	26
		1552	0	10	85
		1554	0	12	76
		1551	0	06	65
		1547	0	19	38
		1542	0	02	90
		1541	0	09	30
		1540	0	00	10
		1537	0	01	68
		1536	0	12	50
		1535	0	00	22
		1534	0	20	39
		1475	0	06	88

1	2	3	4	5	6
		1530	0	06	35
		1432	0	00	10
		1434	0	06	74
		1435	0	07	78
		1436	0	08	31
		1437	0	03	03
		1454	0	11	14
		1470	0	20	94
		1477	0	00	51
		1476	0	03	49
		1474	0	13	25
		1473	0	03	98
	Bakharpur	151	0	06	74
		152	0	03	51
		140	0	00	15
		141	0	12	31
		142	0	00	24
		127	0	02	00
		123	0	03	30
		126	0	04	93
		125	0	05	60
		113	0	00	13
		114	0	08	03
	Bashathai	348	0	03	98
		349	0	06	22
		351	0	02	42
		362	0	01	06
		363	0	02	25
		352	0	01	32
		356	0	00	10
		360	0	08	41
		358	0	04	93
		359	0	00	10
		357	0	03	10
		324	0	00	63
		257	0	00	62
		280	0	03	02
		281	0	03	33
		278	0	01	24
		276	0	11	95

	2	3	4	5	6
		275	0	06	48
		273	0	03	42
		272	0	05	27
		270	0	00	76
		269	0	00	45
		148	0	00	33
		149	0	00	20
		147	0	05	77
		145	0	03	07
		150	0	00	10
		144	0	02	83
		143	0	15	13
		142	0	05	48
		30	0	09	44
		31	0	00	10
		32	0	09	87
		29	0	00	10
		23	0	07	18
		27	0	00	10
		24	0	04	07
		25	0	03	85
		21	0	01	76
		26	0	02	30
		8	0	00	58
		11	0	11	62
		9	0	00	10
		10	0	01	00
Sudarsanpur		1994	0	65	30
		1993	0	00	10
Suan		1099	0	07	22
		1100	0	00	44
		1101	0	01	47
		1106	0	10	24
		1102	0	00	10
		1107	0	02	47
		2603	0	00	10
		2604	0	05	15
		1105	0	00	47
		1119	0	09	75
		1118	0	00	20

1	2	3	4	5	6
		1110	0	00	10
		1117	0	03	40
		1116	0	08	01
		1115	0	01	16
		1175	0	00	48
		1174	0	03	83
		1173	0	01	15
		1171	0	00	63
		1172	0	04	74
		1166	0	04	33
		1180	0	05	12
		1181	0	03	36
		1182	0	02	64
		1183	0	00	28
		1184	0	00	68
		1189	0	07	33
		1188	0	00	10
		1190	0	00	90
		1194	0	06	25
		1193	0	04	48
		1196	0	00	91
		2606	0	00	10
		2605	0	00	47
		1199	0	00	10
		1197	0	09	26
		1232	0	01	06
		1230	0	04	18
		1231	0	00	55
		1204	0	01	65
		1216	0	08	74
		1215	0	00	10
		1214	0	01	46
		1213	0	02	68
		1212	0	00	45
		1209	0	01	70
		1210	0	04	38
		1211	0	00	10
		1297	0	01	00
		1369	0	06	63
		1367	0	00	33
		1370	0	05	46

1	2	3	4	5	6
		1371	0	05	65
		1397	0	08	37
		1379	0	00	10
		1380	0	01	06
		1395	0	05	46
		1392	0	10	50
		1394	0	07	51
		1393	0	00	65
		1534	0	03	17
		1535	0	03	58
		1533	0	00	49
		1536	0	04	62
		1538	0	00	43
		1545	0	03	39
		1546	0	05	44
		1543	0	07	13
		1542	0	00	10
		1550	0	02	92
		1551	0	00	45
		1567	0	02	60
		1562	0	00	23
		1565	0	05	24
		1564	0	05	30
		1563	0	05	08
		1170	0	03	35
		2623	0	01	06
		1574	0	03	66
		1581	0	15	52
		1614	0	06	24
		1613	0	04	67
		1616	0	04	00
		1617	0	00	10
		1608	0	12	49
		1607	0	02	98
		1606	0	04	39
		1627	0	10	61
		1631	0	08	58
		1653	0	02	92
		1654	0	04	94
		1655	0	01	90
		1656	0	04	04

1	2	3	4	5	6
		1658	0	03	55
		1657	0	02	62
		1659	0	04	16
	Artung	778	0	16	15
		670	0	00	20
		671	0	00	10
		673	0	01	91
		677	0	00	35
		679	0	00	85
		676	0	00	50
		523	0	03	19
		522	0	03	60
		511	0	01	96
		510	0	01	76
		512	0	10	63
		513	0	04	99
		514	0	02	18
		496	0	01	44
		495	0	02	83
		516	0	01	24
		391	0	01	98
		493	0	00	10
		494	0	02	55
		492	0	00	10
		392	0	00	78
		394	0	05	94
		323	0	00	57
		322	0	02	37
		324	0	00	19
		321	0	02	66
		326	0	07	44
		260	0	01	65
		265	0	05	74
		261	0	00	66
		262	0	00	10
		3929	0	10	00
		254	0	06	23
		266	0	00	10
		206	0	01	79
		3994	0	01	84
		252	0	00	37

1	2	3	4	5	6
		207	0	01	74
		208	0	02	86
		210	0	02	93
		209	0	04	70
		122	0	11	78
		160	0	01	09
		161	0	00	10
		159	0	02	53
		3711	0	00	10
		123	0	00	10
		133	0	09	48
		91	0	00	10
		92	0	01	79
		3818	0	02	05
		93	0	04	20
		3817	0	00	10
		83	0	02	21
		84	0	02	42
		88	0	00	91
		85	0	01	64
		87	0	03	22
		73	0	00	10
		86	0	01	45
		74	0	07	87
		28	0	02	82
		26	0	03	35
		27	0	05	97
	Damodarpur	46	0	05	86
		47	0	00	37
		48	0	00	75
		49	0	01	52
		50	0	01	60
		51	0	01	96
		45	0	02	02
		39	0	06	59
		37	0	08	75
		32	0	02	42
		36	0	05	94
		35	0	01	66
		33	0	02	43
		34	0	02	92

1	2	3	4	5	6
		812	0	04	51
		17	0	02	99
		18	0	11	04
		19	0	05	86
	Parhuan	131	0	01	28
		133	0	01	78
		132	0	02	57
		130	0	01	51
		129	0	01	18
		40	0	06	06
		39	0	00	10
		41	0	10	11
		126	0	00	32
		127	0	00	10
		92	0	02	73
		91	0	01	79
		89	0	06	40
		87	0	00	62
		88	0	07	61
		84	0	00	10
		3929	0	01	90
		85	0	02	61
		86	0	01	92
		3927	0	00	12
		3928	0	03	14
		79	0	13	69
		58	0	01	88
		60	0	00	37
		59	0	00	85
		67	0	05	09
		62	0	00	10
		63	0	06	84
		65	0	06	84
	Radhamohanpur	973	0	06	86
		972	0	11	70
		978	0	04	74
		985	0	03	57
		986	0	00	86
		987	0	00	43
		983	0	05	19

1	2	3	4	5	6
		988	0	06	02
		993	0	00	45
		992	0	05	74
		994	0	01	62
		995	0	02	31
		1001	0	00	68
		1000	0	05	43
		1007	0	04	98
		1005	0	02	46
		1011	0	11	69
		1012	0	00	55
		922	0	02	29
		886	0	00	10
		884	0	00	96
		882	0	03	05
		883	0	05	68
		835	0	02	03
		877	0	07	77
		876	0	00	88
		875	0	04	70
		870	0	02	68
		869	0	03	71
		851	0	00	36
		865	0	03	36
		864	0	01	43
		866	0	01	58
		855	0	04	55
		854	0	02	16
		790	0	05	34
		789	0	04	36
		787	0	03	35
		786	0	09	85
		256	0	03	00
		255	0	03	83
		257	0	04	59
		1564	0	01	08
		267	0	00	44
		264	0	05	18
		266	0	05	88
		269	0	02	41
		270	0	08	13

1	2	3	4	5	6
		1633	0	00	10
		271	0	01	14
		272	0	09	48
		273	0	01	33
		486	0	05	18
		1611	0	04	45
		481	0	00	42
		478	0	00	10
		477	0	15	26
		475	0	03	40
		476	0	01	88
		473	0	10	76
		1714	0	00	10
		472	0	02	10
		303	0	01	79
		467	0	00	10
		469	0	04	68
		468	0	06	83
		463	0	06	69
		461	0	06	79
		460	0	05	29
		459	0	04	24
		376	0	00	10
		449	0	10	36
		448	0	07	94
		444	0	06	33
		451	0	00	10
		443	0	03	91
		433	0	00	10
		428	0	02	44
		427	0	04	18
		425	0	01	29
		426	0	03	20
		419	0	02	62
		420	0	01	17
		424	0	02	69
		421	0	02	11

1	2	3	4	5	6
		422	0	01	52
		423	0	03	82
		408	0	01	89
		627	0	02	55

[No. R-25011/11/2004-Q.R.-4]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 4 अक्टूबर, 2004

का. आ. 2518.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी और भारत के राजपत्र में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1259 तारीख 28 मई, 2004 द्वारा उड़ीसा राज्य में पारादीप से पश्चिमी बंगाल राज्य में हल्दिया तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा कच्चे तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 29 जून, 2004 को उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना की अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार पाइपलाइनें बिछाए जाने हेतु अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : भुपतिनगर

जिला : पूर्व मिदनापुर

राज्य : पश्चिमी बंगाल

गाँव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
किसमतबाजकुल	156	1994	00	00	23
		2001	00	01	26
		2002	00	06	35
		2005	00	00	20
		2007	00	06	32
		2008	00	07	26
		2010	00	01	41
		2011	00	10	10
		2012	00	03	13
		2021	00	00	20
		2022	00	03	69
		2023	00	02	99
		2024	00	05	50
		2025	00	01	33
		2026	00	10	33
		2027	00	06	01
		2028	00	07	21
		2029	00	04	61
		2030	00	00	36
		2033	00	10	36
		2034	00	04	65
		2036	00	00	20
		2037	00	00	89
		2038	00	00	20
		2040	00	00	20
		2041	00	05	81
		2045	00	00	20
		2090	00	00	45
		2091	00	02	70
		2092	00	13	28
		2472	00	02	09
		2473	00	08	99
		2474	00	01	38
		2482	00	01	42
		2483	00	07	10
		2484	00	03	59
		2485	00	02	85
		2486	00	00	26
		2487	00	05	64
		2509	00	01	47
		2510	00	01	68
		2512	00	03	05
		2513	00	00	20
		2514	00	11	68
		2515	00	00	73
		2609	00	01	49

(1)	(2)	(3)	(4)	(5)	(6)
		2986	00	00	20
		2987	00	08	67
		2991	00	00	20
		2992	00	09	93
		2993	00	07	53
		2995	00	10	02
		2996	00	05	93
		2997	00	00	24
		2999	00	00	20
		3008	00	02	15
		3009	00	08	45
		3010	00	00	20
		3012	00	01	83
		3023	00	03	65
		3024	00	04	27
		3026	00	00	20
		3027	00	04	13
		3028	00	04	98
		3029	00	04	77
		3030	00	04	15
		3031	00	10	58
		3032	00	00	20
		3036	00	03	16
		3037	00	00	45
		3038	00	02	01
		3039	00	03	01
		3040	00	00	72
		3041	00	00	20
		3620	00	00	80
		3036/17049	00	04	57
		3036/17050	00	04	85
		3036/17051	00	00	20
		3039/17052	00	03	65
		3039/17053	00	00	53
		4400	00	00	60
		4450	00	01	53
		4513	00	01	11
		4805	00	00	30
		4847	00	00	20
		4848	00	00	38
		4849	00	00	20
		4850	00	00	20
		4851	00	00	20
		4852	00	01	46
		4853	00	00	20
		4856	00	08	08
		4857	00	01	21
		4858	00	06	91
		4868	00	05	51
		4893	00	00	20
		4895	00	09	58

(1)	(2)	(3)	(4)	(5)	(6)
		4896	00	01	25
		4897	00	02	18
		4898	00	03	28
		4903	00	00	48
		4929	00	01	36
		4930	00	03	24
		4934	00	03	57
		4935	00	08	33
		4936	00	00	73
		4937	00	03	71
		4938	00	00	76
		4853/17290	00	01	24
		4894/17298	00	01	48
		4898/17299	00	01	62
		4943/17310	00	00	20
		5257	00	00	20
		5260	00	02	48
		5261	00	05	82
		5270	00	00	20
		5271	00	05	04
		5272	00	07	65
		5273	00	00	90
		5291	00	01	22
		5292	00	02	74
		5294	00	01	03
		5295	00	05	89
		5296	00	06	48
		5297	00	01	42
		5298	00	02	56
		5299	00	04	39
		5302	00	04	50
		5303	00	04	75
		6610	00	00	20
		6612	00	00	59
		6613	00	15	69
		6615	00	01	28
		6617	00	07	75
		6618	00	02	96
		6619	00	06	24
		6620	00	00	80
		6709	00	01	16
		6710	00	05	88
		6711	00	02	20
		6712	00	09	40
		6732	00	10	34
		6736	00	00	20
		6737	00	07	14
		6740	00	11	51
		6741	00	00	74
		6747	00	05	54
		6748	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		6811	00	01	16
		5291/17363	00	00	34
		6711/17571	00	00	20
		8296	00	02	18
		8297	00	03	47
		8298	00	06	75
		8299	00	02	55
		8300	00	02	97
		8301	00	01	36
		8309	00	01	64
		8310	00	02	76
		8311	00	00	73
		8312	00	01	69
		8408	00	01	68
		8481	00	03	80
		8483	00	03	28
		8484	00	03	15
		8485	00	04	33
		8486	00	00	93
		8488	00	01	77
		8491	00	00	20
		8499	00	05	25
		8500	00	08	85
		8501	00	02	92
		8502	00	04	76
		8503	00	01	99
		8523	00	00	20
		8524	00	09	93
		8534	00	00	20
		8535	00	11	13
		8567	00	00	22
		8568	00	02	48
		8569	00	00	54
		8570	00	02	30
		8571	00	02	70
		8572	00	00	32
		8577	00	07	07
		8578	00	00	81
		8579	00	07	80
		8580	00	00	42
		8581	00	01	03
		8583	00	06	11
		8584	00	07	83
		9106	00	01	25
		9118	00	00	54
		9122	00	00	27
		9123	00	11	31
		9132	00	00	78
		9133	00	00	20
		9134	00	05	67
		9135	00	06	70

(1)	(2)	(3)	(4)	(5)	(6)
	9166	00	05	88	
	9167	00	09	96	
	9169	00	09	26	
	9170	00	03	65	
	9189	00	04	31	
	9190	00	04	97	
	9191	00	00	20	
	8572/11405	00	00	58	
	8312/17840	00	02	53	
	8485/17842	00	01	75	
	9133/17862	00	06	51	
	15858	00	04	36	
	15867	00	16	30	
	15868	00	03	99	
	15878	00	01	57	
	15879	00	12	94	
	15880	00	00	20	
	15881	00	06	90	
	15903	00	05	27	
	15904	00	05	91	
	15906	00	04	70	
	15907	00	03	25	
	15909	00	05	58	
	15910	00	02	25	
	15911	00	02	44	
	15913	00	01	75	
	15982	00	00	44	
	15904/16389	00	00	20	
	15868/18722	00	09	66	

[क्र. सं. आर-25011/10/2004-ओ.आर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 4th October, 2004

S. O. 2518.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1259 dated the 26th May, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of crude oil from Paradip in the State of Orissa to Haldia in the State of West Bengal by Indian Oil Corporation Limited ;

And whereas, the copies of the said notification were made available to the public on 29th June, 2004 ;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act, has submitted his report to the Central Government ;

And whereas, the Central Government, after considering the said report, is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline ;

And further, in exercise of the powers conferred by the sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in Indian Oil Corporation Limited free from all encumbrances.

Schedule

Police Station : Bhupatinagar		District : Purba Midnapur		State : West-Bengal	
Name of Village	Jurisdiction List No.	Plot. No.	Area		
			Hectare	Are	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)
Kismatbajkul	156	1994	00	00	23
		2001	00	01	26
		2002	00	06	35
		2005	00	00	20
		2007	00	06	32
		2008	00	07	26
		2010	00	01	41
		2011	00	10	10
		2012	00	03	13
		2021	00	00	20
		2022	00	03	69
		2023	00	02	99
		2024	00	05	50
		2025	00	01	33
		2026	00	10	33
		2027	00	06	01
		2028	00	07	21
		2029	00	04	61
		2030	00	00	36
		2033	00	10	36
		2034	00	04	65
		2036	00	00	20
		2037	00	00	89
		2038	00	00	20
		2040	00	00	20
		2041	00	05	81
		2045	00	00	20
		2090	00	00	45
		2091	00	02	70
		2092	00	13	28
		2472	00	02	09

(1)	(2)	(3)	(4)	(5)	(6)
		2473	00	08	99
		2474	00	01	38
		2482	00	01	42
		2483	00	07	10
		2484	00	03	59
		2485	00	02	85
		2486	00	00	26
		2487	00	05	64
		2509	00	01	47
		2510	00	01	68
		2512	00	03	05
		2513	00	00	20
		2514	00	11	88
		2515	00	00	73
		2609	00	01	49
		2988	00	00	20
		2987	00	08	67
		2991	00	00	20
		2992	00	09	93
		2993	00	07	53
		2995	00	10	02
		2996	00	05	93
		2997	00	00	24
		2999	00	00	20
		3008	00	02	15
		3009	00	08	45
		3010	00	00	20
		3012	00	01	83
		3023	00	03	65
		3024	00	04	27
		3026	00	00	20
		3027	00	04	13
		3028	00	04	96
		3029	00	04	77
		3030	00	04	15
		3031	00	10	58
		3032	00	00	20
		3036	00	03	18
		3037	00	00	45
		3038	00	02	01
		3039	00	03	01
		3040	00	00	72
		3041	00	00	20
		3620	00	00	60
		3036/17049	00	04	57
		3036/17050	00	04	85
		3036/17051	00	00	20
		3039/17052	00	03	65
		3039/17053	00	00	53
		4400	00	00	60
		4450	00	01	53
		4513	00	01	11
		4805	00	00	30
		4847	00	00	20
		4848	00	00	38
		4849	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		4850	00	00	20
		4851	00	00	20
		4852	00	01	46
		4853	00	00	20
		4856	00	08	08
		4857	00	01	21
		4858	00	06	91
		4868	00	05	51
		4893	00	00	20
		4895	00	09	58
		4896	00	01	25
		4897	00	02	18
		4898	00	03	28
		4903	00	00	48
		4929	00	01	36
		4930	00	03	24
		4934	00	03	57
		4935	00	08	33
		4936	00	00	73
		4937	00	03	71
		4938	00	00	76
		4853/17290	00	01	24
		4894/17298	00	01	48
		4898/17299	00	01	62
		4943/17310	00	00	20
		5257	00	00	20
		5260	00	02	48
		5261	00	05	82
		5270	00	00	20
		5271	00	05	04
		5272	00	07	65
		5273	00	00	90
		5291	00	01	22
		5292	00	02	74
		5294	00	01	03
		5295	00	05	89
		5296	00	06	48
		5297	00	01	42
		5298	00	02	56
		5299	00	04	39
		5302	00	04	50
		5303	00	04	75
		6610	00	00	20
		6612	00	00	59
		6613	00	15	69
		6615	00	01	28
		6617	00	07	75
		6618	00	02	96
		6619	00	06	24
		6620	00	00	80
		6709	00	01	16
		6710	00	05	88
		6711	00	02	20
		6712	00	09	40
		6732	00	10	34
		6736	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		6737	00	07	14
		6740	00	11	51
		6741	00	00	74
		6747	00	05	54
		6748	00	00	20
		6811	00	01	16
		5291/17363	00	00	34
		6711/17571	00	00	20
		8296	00	02	18
		8297	00	03	47
		8298	00	06	75
		8299	00	02	55
		8300	00	02	97
		8301	00	01	36
		8309	00	01	64
		8310	00	02	76
		8311	00	00	73
		8312	00	01	69
		8408	00	01	68
		8481	00	03	80
		8483	00	03	28
		8484	00	03	15
		8485	00	04	33
		8486	00	00	93
		8488	00	01	77
		8491	00	00	20
		8499	00	05	25
		8500	00	08	85
		8501	00	02	92
		8502	00	04	76
		8503	00	01	99
		8523	00	00	20
		8524	00	09	93
		8534	00	00	20
		8535	00	11	13
		8567	00	00	22
		8568	00	02	48
		8569	00	00	54
		8570	00	02	30
		8571	00	02	70
		8572	00	00	32
		8577	00	07	07
		8578	00	00	81
		8579	00	07	80
		8580	00	00	42
		8581	00	01	03
		8583	00	06	11
		8584	00	07	83
		9106	00	01	25
		9118	00	00	54
		9122	00	00	27
		9123	00	11	31
		9132	00	00	78
		9133	00	00	20
		9134	00	05	67
		9135	00	06	70

(1)	(2)	(3)	(4)	(5)	(6)
		9166	00	05	88
		9167	00	09	96
		9169	00	09	26
		9170	00	03	65
		9189	00	04	31
		9190	00	04	97
		9191	00	00	20
		8572/11405	00	00	58
		8312/17840	00	02	53
		8485/17842	00	01	75
		9133/17862	00	06	51
		15858	00	04	36
		15867	00	16	30
		15868	00	03	99
		15878	00	01	57
		15879	00	12	94
		15880	00	00	20
		15881	00	06	90
		15903	00	05	27
		15904	00	05	91
		15906	00	04	70
		15907	00	03	25
		15909	00	05	58
		15910	00	02	25
		15911	00	02	44
		15913	00	01	75
		15982	00	00	44
		15904/16389	00	00	20
		15868/18722	00	09	66

[No. R-25011/10/2004-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 4 अक्टूबर, 2004

का. आ. 2519.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी और भारत के राजपत्र में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1348 तारीख 8 जून, 2004 द्वारा उड़ीसा राज्य में पारादीप से पश्चिमी बंगाल राज्य में हल्दिया तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा कच्चे तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 12 जुलाई, 2004 को उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना की अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार पाइपलाइन् बिछाए जाने हेतु अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

पुलिस थाना : मारिशदा		जिला : पूर्व मिदनापुर		राज्य : पश्चिमी बंगाल	
गाँव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
पचिश वाटा	79	1115	00	02	25
		1116	00	07	19
		1117	00	03	42
		1118	00	03	89
		1119	00	05	04
		1120	00	01	07
		1121	00	04	38
		1122	00	03	71
		1124	00	03	99
		1125	00	01	49
		1126	00	00	20
		1130/1140	00	00	77
हाटियारी	134	24	00	04	54
		25	00	02	28
		26	00	00	86
		30	00	02	97
		32	00	00	20
		44	00	01	56
		45	00	05	82
		48	00	11	26
		49	00	00	31
		54	00	01	59
		55	00	09	22
		56	00	01	06
		57	00	00	37
		59	00	10	72
		68	00	01	71
		69	00	08	17
		70	00	06	20
		71	00	03	33
		72	00	02	63
		81	00	01	21
		107	00	00	78
		109	00	02	58
		114	00	00	20
		115	00	04	10

(1)	(2)	(3)	(4)	(5)	(6)
		116	00	16	41
		117	00	00	20
		122	00	10	05
		123	00	11	68
		124	00	00	20
		129	00	01	06
		130	00	05	81
		151	00	00	20
		152	00	00	72
		153	00	10	82
		155	00	14	69
		156	00	11	89
		158	00	00	50
		159	00	12	73
		166	00	08	47
		190	00	00	21
		245	00	00	20
		249	00	05	86
		251	00	07	84
		253	00	06	00
		254	00	02	20
		363	00	06	05
		364	00	01	79
		365	00	08	05
		371	00	00	30
		372	00	13	09
		373	00	05	20
		378	00	04	82
		387	00	00	20
		388	00	06	89
		389	00	00	38
		391	00	07	72
		392	00	05	67
		496	00	04	68
		497	00	01	76
		498	00	07	64
		499	00	01	63
		518	00	00	66
		159/1123	00	02	58
		131/1124	00	09	80
		45/1130	00	05	30
		31/1131	00	00	23
		215/1154	00	00	20
		107/1171	00	02	20
		107/1183	00	11	16
		215/1185	00	02	37
श्रीचन्दनपुर	76	14	00	19	47
		78	00	00	68
		79	00	00	75
		80	00	01	04
		81	00	07	12
		82	00	05	09
		83	00	05	07
		84	00	03	55
		85	00	04	39

(1)	(2)	(3)	(4)	(5)	(6)
		87	00	02	27
		88	00	02	11
		95	00	04	93
		99	00	02	26
		111	00	18	67
		112	00	08	53
		113	00	17	28
		99/137	00	00	76
		14/138	00	00	73
		80/147	00	01	98
		113/148	00	00	65
		100/160	00	03	10
		74/201	00	08	97
		99/212	00	15	49
वाहुलिया	75	60	00	00	20
		103	00	01	31
		105	00	00	22
		106	00	05	48
		110	00	09	09
		112	00	00	53
		117	00	00	25
		118	00	08	46
		119	00	12	68
		127	00	27	29
		133	00	01	03
		134	00	03	57
		135	00	00	22
		142	00	00	58
		144	00	08	47
		145	00	06	08
		146	00	04	38
		148	00	09	24
		151	00	00	20
		152	00	05	56
		153	00	09	06
		155	00	00	20
		322	00	00	74
वामनिया	74	62	00	00	20
		63	00	08	69
		64	00	00	60
		65	00	00	99
		162	00	00	48
		165	00	03	38
		166	00	03	07
		168	00	02	96
		169	00	02	61
		170	00	02	40
		173	00	06	38
		174	00	03	28
		176	00	07	65
		179	00	01	73
		180	00	08	11
		192	00	00	89
		195	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		196	00	08	88
		197	00	11	96
		200	00	09	32
		332	00	01	59
		333	00	02	84
		334	00	02	49
		337	00	00	20
		377	00	00	70
		378	00	00	33
		379	00	07	81
		384	00	01	49
		385	00	06	06
		386	00	07	89
		401	00	11	77
		402	00	00	44
		405	00	08	63
		413	00	00	40
		63/617	00	02	64
		174/679	00	03	18
		195/685	00	00	49
		196/686	00	01	10
		199/687	00	04	55
शिवपुर बेलतलिया	41	121	00	00	81
		161	00	03	50
		169	00	14	56
		180	00	06	76
		185	00	01	01
		210	00	00	19
		211	00	09	70
		242	00	03	77
		243	00	00	84
		257	00	01	38
		161/438	00	05	71
		170/474	00	00	20
		170/475	00	02	31
		170/476	00	05	31
		170/477	00	02	63
		170/478	00	00	10
		170/480	00	01	66
		170/481	00	04	94
		170/482	00	00	56
		174/483	00	02	29
		174/484	00	04	50
		174/485	00	00	21
		179/494	00	01	04
		180/497	00	00	17
		180/498	00	00	11
		80/499	00	06	61
		211/500	00	05	74
		180/501	00	07	47

(1)	(2)	(3)	(4)	(5)	(6)
		180/502	00	06	44
		206/513	00	09	17
		207/517	00	06	66
		207/518	00	06	11
		210/523	00	09	27
		210/524	00	04	18
		211/529	00	06	71
		211/530	00	00	20
		242/538	00	09	04
		242/539	00	10	38
		242/540	00	04	32
		257/556	00	15	20
		258/560	00	05	84
		258/561	00	06	00
		258/562	00	02	65
कादुया	42	70	00	02	17
		71	00	03	86
		72	00	05	94
		73	00	00	72
		75	00	09	22
		76	00	08	64
		79	00	00	16
		80	00	03	60
		81	00	05	01
		69/215	00	00	63
		69/216	00	02	02
		82/218	00	02	85
धानधरा	52	1	00	00	83
		6	00	00	21
		10	00	03	20
		11	00	03	53
		12	00	05	93
		14	00	02	44
		15	00	02	12
		17	00	05	73
		19	00	02	71
		20	00	00	20
		18/309	00	02	14
		6/316	00	05	17
		6/317	00	05	49
		6/318	00	02	57
		9/323	00	02	05
		9/325	00	03	34
		9/326	00	00	88
		10/327	00	00	61
		11/328	00	02	05
		11/329	00	02	02
		13/330	00	06	03
		14/333	00	02	71

(1)	(2)	(3)	(4)	(5)	(6)
		14/334	00	01	39
		14/335	00	02	76
		18/336	00	02	40
		20/339	00	01	40
		20/340	00	00	27
कुमारियाखान काकुरिया	51	30	00	00	20
		31	00	02	83
		55	00	03	55
		56	00	02	42
		57	00	03	21
		59	00	04	23
		60	00	03	15
		61	00	03	58
		62	00	04	99
		83	00	00	98
		84	00	07	91
		93	00	04	22
		94	00	01	94
		95	00	00	61
		97	00	05	22
		62/122	00	01	12
		62/123	00	00	20
		41/124	00	01	01
		19/148	00	00	20
		19/149	00	02	86
		19/152	00	07	26
		19/153	00	03	92
		19/154	00	03	68
		19/158	00	03	00
		19/159	00	02	81
		19/160	00	00	90
		19/161	00	02	65
		19/163	00	04	06
		19/164	00	04	05
		19/165	00	01	01
		19/166	00	03	82
		31/182	00	07	32
		31/183	00	02	66
		31/184	00	03	44
		31/185	00	01	69
		31/186	00	00	11
		82/216	00	00	20
		93/245	00	07	21
		93/246	00	03	58
		93/247	00	04	00
		96/254	00	14	90
		97/257	00	02	21
		98/260	00	00	20
हरिनापासदलवार	53	56	00	04	59

(1)	(2)	(3)	(4)	(5)	(6)
		57	00	01	52
		58	00	10	01
		335	00	06	37
		336	00	00	50
		338	00	00	40
		340	00	05	86
		341	00	04	82
		346	00	01	06
		347	00	09	97
		349	00	16	09
		352	00	02	97
		356	00	11	48
		357	00	00	20
		335/597	00	00	93
		56/605	00	00	87
		53/634	00	00	47
		53/635	00	01	96
		53/637	00	01	45
		56/655	00	01	05
		56/656	00	04	39
		56/662	00	00	20
		56/664	00	03	99
		56/665	00	05	74
		56/666	00	07	15
		56/669	00	07	62
		56/670	00	05	59
		56/672	00	02	71
		56/673	00	05	22
		56/674	00	03	09
		58/693	00	00	20
		58/694	00	04	35
		58/697	00	06	24
		58/698	00	06	47
		58/699	00	02	88
		58/700	00	00	20
		58/701	00	02	28
		58/702	00	08	71
		62/711	00	01	18
		62/712	00	00	17
		341/806	00	04	40
		342/807	00	04	85
		342/808	00	06	01
		346/811	00	11	63
		347/812	00	00	69
		352/816	00	06	59
		352/817	00	02	88
		352/818	00	00	20
		352/819	00	02	81
		352/820	00	03	60
		352/821	00	03	55
		355/826	00	01	57

(1)	(2)	(3)	(4)	(5)	(6)
		355/827	00	02	10
		355/828	00	01	46
		355/829	00	02	38
		355/830	00	03	82
दुमुरबेरे	47	1	00	06	74
		2	00	04	76
		3	00	07	07
		18	00	05	51
		17/194	00	04	18
		13/266	00	07	71
		13/270	00	10	43
		18/274	00	02	72
		18/276	00	02	60
		18/277	00	08	15
		18/278	00	03	79
		18/280	00	04	62
		18/281	00	07	97
		18/282	00	07	35
पश्चिम सरपाई	46	141	00	05	22
		143	00	02	84
		144	00	09	73
		146	00	04	28
		148	00	03	53
		149	00	00	86
		150	00	03	89
		152	00	00	14
		321	00	01	62
		330	00	04	89
		331	00	08	30
		332	00	02	70
		333	00	18	48
		351	00	01	11
		357	00	01	77
		358	00	01	69
		360	00	01	67
		381	00	01	57
		382	00	02	88
		385	00	04	82
		431	00	01	56
		432	00	00	20
		433	00	00	20
		434	00	04	57
		435	00	04	47
		446	00	04	83
		447	00	08	36
		448	00	03	26
		452	00	07	17
		453	00	01	11
		454	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		455	00	02	81
		458	00	04	25
		460	00	00	60
		560	00	01	16
		145/614	00	04	16
		145/615	00	00	20
		148/616	00	04	33
		148/617	00	03	38
		148/618	00	03	46
		148/620	00	03	42
		151/621	00	02	60
		151/622	00	02	41
		152/623	00	03	07
		319/657	00	00	89
		319/658	00	05	03
		319/659	00	07	25
		319/661	00	09	72
		319/662	00	07	61
		329/671	00	00	11
		332/672	00	00	20
		350/697	00	05	77
		350/698	00	10	83
		350/699	00	03	49
		350/700	00	00	48
		350/701	00	00	98
		430/719	00	06	82
		451/724	00	00	91
		453/725	00	01	68
		454/726	00	00	20
		455/727	00	03	35
		460/728	00	01	00
		462/730	00	00	20
पुलिस थाना : एगरा					
बोलकुशदा	90	35	00	03	73
		37	00	01	26
		38	00	04	46
		39	00	15	83
		41	00	05	53
		42	00	06	55
		43	00	01	56
		56	00	03	52
		57	00	09	38
		58	00	00	31
		62	00	02	73
		63	00	08	33
		64	00	00	20
		65	00	00	38
		66	00	10	21
		35/1362	00	00	20
		35/1374	00	13	27

	(2)	(3)	(4)	(5)	(6)
93		2436	00	07	39
		2437	00	06	53
		2441	00	01	47
		2443	00	00	57
		2444	00	06	28
		2445	00	08	73
		2449	00	07	29
		2450	00	01	01
		2478	00	00	20
		2479	00	06	52
		2483	00	11	49
		2487	00	08	29
		2488	00	08	48
		2507	00	00	95
		2508	00	13	48
		2512	00	00	20
		2513	00	11	29
		2514	00	01	11
		2518	00	06	22
		2519	00	00	20
		2520	00	01	88
		3250	00	09	15
		3280	00	06	55
		3281	00	09	42
		3284	00	08	37
		3285	00	02	72
		3291	00	02	12
		3292	00	00	20
		3293	00	00	33
		3294	00	04	46
		3295	00	09	70
		3296	00	00	73
		3297	00	01	18
		3310	00	02	08
		3311	00	09	73
		3312	00	06	45
		3313	00	00	20
		3316	00	02	37
		3342	00	17	04
		3343	00	00	58
		3358	00	00	20
		3359	00	00	23
		3360	00	11	24
		3361	00	01	67
		3362	00	09	09
		3363	00	00	31
		3366	00	14	49
		3367	00	18	80
		3312/3839	00	10	87
		2507/3918	00	02	78
		3540	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		3541	00	08	23
		3542	00	01	98
		3543	00	05	14
		3544	00	00	20
		3549	00	06	95
		3551	00	13	20
		3554	00	08	99
		3560	00	02	31
		3561	00	06	10
		3559/3925	00	07	66
चिरुलिया	102	1304	00	05	40
		1318	00	00	76
		1319	00	05	41
		1320	00	02	46
		1321	00	04	29
		1324	00	01	43
		1325	00	00	20
		1326	00	05	64
		1327	00	04	38
		1328	00	01	40
		1333	00	00	76
		1334	00	06	17
		1335	00	03	42
		1336	00	02	05
		1337	00	02	00
		1339	00	09	12
		1340	00	00	61
		1379	00	13	03
		1380	00	04	96
		1385	00	07	22
		1386	00	00	24
		1387	00	00	62
		1388	00	12	78
		1391	00	10	98
		1392	00	00	20
पानिपारुल	203	368	00	00	56
		369	00	01	18
		370	00	01	36
		512	00	00	20
		513	00	06	85
		514	00	11	16
		598	00	09	46
		602	00	04	28
		604	00	14	12
		605	00	19	23
		614	00	00	45
		615	00	00	91
		616	00	05	85
		617	00	02	45

(1)	(2)	(3)	(4)	(5)	(6)
		628	00	01	58
		629	00	06	89
		630	00	04	10
		637	00	09	35
		638	00	04	49
		639	00	00	24
		650	00	12	68
		656	00	15	57
		657	00	06	03
		688	00	04	32
		689	00	00	27
		624/6258	00	07	56
		652	00	00	75
		655	00	08	92
		656	00	00	34
		657	00	05	24
		745	00	04	90
		746	00	01	47
		748	00	00	20
		749	00	00	11
		750	00	10	39
		751	00	00	94
		755	00	04	66
		756	00	04	20
		757	00	03	14
		758	00	07	29
		784	00	19	87
		790	00	01	61
		791	00	17	56
		792	00	12	08
		793	00	05	18
		795	00	00	55
		796	00	00	12
		807	00	03	97
		808	00	00	26
		866	00	00	20
		988	00	20	39
		990	00	04	22
		991	00	09	95
		994	00	07	16
		995	00	04	04
		1006	00	00	55
		1008	00	00	77
		1009	00	26	37
		1010	00	00	20
		1013	00	02	41
		1025	00	01	11
		1027	00	06	33
		1028	00	06	95
		1029	00	00	23
		1246	00	08	83

(1)	(2)	(3)	(4)	(5)	(6)
		1247	00	09	71
		1262	00	00	37
		1263	00	05	13
		1264	00	04	73
		1265	00	00	37
		1266	00	07	14
		1267	00	00	39
		1269	00	03	25
		1270	00	05	65
		1271	00	13	79
		1272	00	01	46
		1273	00	09	43
		1274	00	02	65
		745/8901	00	00	66
		746/8902	00	07	21
		758/8903	00	07	59
		988/8908	00	05	42
		794/8911	00	06	96
		1007/8948	00	04	76
		1025/8952	00	01	96
		1027/8953	00	01	25
		2794	00	05	13
		2795	00	02	64
		8000	00	08	82
लालपुर	202	129	00	07	06
		173	00	10	23
		174	00	04	69
		175	00	02	98
		179	00	09	03
		181	00	01	09
		182	00	06	74
		183	00	00	20
		184	00	07	65
		185	00	00	58
		192	00	00	62
		193	00	00	28
		185/1027	00	10	51
खुरुटिया	201	352	00	00	24
		353	00	00	97
		361	00	08	43
		362	00	02	32
		363	00	03	81
		364	00	00	23
		368	00	03	20
		369	00	09	55
		373	00	00	20
		360/1468	00	00	20
		360/1469	00	05	77

(1)	(2)	(3)	(4)	(5)	(6)
		362/1471	00	01	19
		363/1472	00	00	55
		362/1661	00	00	56
		397	00	02	55
		398	00	00	39
		401	00	05	83
		403	00	04	66
		404	00	02	70
		406	00	03	73
		408	00	05	46
		419	00	00	42
		421	00	01	53
		423	00	00	57
		424	00	02	33
		425	00	01	54
		426	00	04	39
		427	00	01	15
		430	00	01	24
		431	00	00	20
		848	00	00	93
		849	00	01	46
		851	00	03	63
		852	00	06	31
		853	00	08	13
		854	00	10	60
		857	00	00	20
		858	00	01	64
		936	00	00	24
		938	00	00	58
		939	00	15	20
		940	00	00	70
		949	00	04	98
		950	00	05	63
		951	00	01	15
		953	00	00	51
		962	00	05	29
		963	00	05	93
		964	00	04	77
		965	00	08	00
		966	00	00	20
		969	00	01	52
		1153	00	00	20
		1154	00	00	20
		1155	00	02	67
		1156	00	05	47
		1157	00	03	83
		1159	00	01	23
		1160	00	05	89
		1161	00	07	03
		1183	00	05	57
		1186	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		1187	00	14	06
		1189	00	02	97
		1191	00	01	67
		1200	00	06	11
		1201	00	07	61
		1223	00	07	32
		1228	00	00	20
		1229	00	11	42
		1230	00	09	38
		1231	00	00	20
		1232	00	06	11
		1244	00	08	92
		1245	00	01	38
		1246	00	07	09
		1247	00	00	61
		1248	00	01	75
		1252	00	03	03
		1294	00	05	33
		1295	00	00	56
		1298	00	09	01
		1300	00	04	52
		1301	00	03	23
		1303	00	12	02
		430/1494	00	08	61
		948/1567	00	01	29
		1190/1625	00	02	69
		1194/1627	00	00	38
		1199/1631	00	02	27
		1201/1633	00	01	25
		1231/1639	00	12	10
		1242/1646	00	06	11
		1244/1647	00	02	18
तेघरि	200	1	00	08	16
		2	00	02	52
		3	00	03	54
		21	00	04	99
		22	00	00	32
		1/443	00	04	39
गड़िया	196	999	00	00	20
		1035	00	04	85
		1036	00	00	20
		1072	00	02	98
		1073	00	10	60
		1074	00	00	63
		1075	00	09	72
		1078	00	03	54
		1079	00	02	40
		1087	00	10	93
		1088	00	04	37

	(2)	(3)	(4)	(5)	(6)
		1096	00	00	70
		1102	00	02	53
		1103	00	04	40
		1104	00	07	29
		1106	00	04	59
		1125	00	01	41
		1126	00	07	02
		1127	00	02	83
		1134	00	00	34
		1135	00	11	39
		1136	00	10	17
		1137	00	03	12
		1138	00	01	67
		1139	00	00	20
		1152	00	17	85
		1155	00	01	82
195		1024	00	00	20
		1025	00	03	76
		1027	00	02	11
		1028	00	06	45
191		9282	00	00	61
		9283	00	04	01
		9284	00	02	59
		9285	00	01	63
		9288	00	00	20
		9299	00	08	84
		9300	00	02	04
		9456	00	01	19
		9457	00	06	99
		9458	00	00	20
		9460	00	10	54
		9461	00	03	07
		9471	00	07	99
		9472	00	00	20
		9473	00	10	64
		9474	00	02	25
		9481	00	04	31
		9487	00	03	28
		9488	00	02	73
		9489	00	05	33
		9511	00	00	81
		9512	00	08	39
		9513	00	01	01
		9514	00	09	62
		9522	00	07	35
		9523	00	05	49
		9524	00	07	92
		9525	00	03	44
		9529	00	16	81

(1)	(2)	(3)	(4)	(5)	(6)
		9620	00	03	01
		10712	00	04	07
		10714	00	01	06
		10715	00	05	16
		10716	00	03	82
		10720	00	02	38
		10727	00	01	42
		9625	00	17	03
		9626	00	00	96
		9627	00	00	20
		9628	00	07	02
		9630	00	07	05
		9661	00	00	20
		9663	00	03	29
		9664	00	03	55
		9667	00	16	59
		9668	00	04	49
		9682	00	00	32
		9683	00	09	41
		9684	00	04	17
		9685	00	00	20
		9686	00	10	76
		9688	00	00	33
		9689	00	01	81
		9690	00	08	03
		9691	00	05	34
		9692	00	09	43
		9708	00	00	20
		9580/13036	00	04	83
		9692/13040	00	03	02
		10135	00	03	52
		10164	00	01	22
		10269	00	06	73
		10273	00	09	94
		10274	00	04	67
		10275	00	00	20
		10281	00	03	57
		10282	00	03	25
		10284	00	02	94
		10285	00	03	06
		10287	00	02	97
		10288	00	03	60
		10289	00	00	20
		10290	00	03	18
		10291	00	05	07
		10292	00	04	97
		10411	00	02	48
		10451	00	01	17
		10452	00	00	67
		10453	00	01	39
		10454	00	01	66

(2)	(3)	(4)	(5)	(6)
	10455	00	00	39
	10456	00	12	54
	10457	00	00	20
	10473	00	00	20
	10474	00	01	90
	10475	00	03	48
	10476	00	00	45
	10477	00	06	26
	10478	00	06	61
	10479	00	03	69
	10480	00	03	68
	10481	00	03	66
	10482	00	00	97
	10488	00	12	51
	10489	00	00	20
	10491	00	00	74
	10492	00	17	11
	10493	00	00	20
	10494	00	00	20
	10648	00	00	20
	10649	00	12	30
	10657	00	15	33
	10658	00	15	22
	10661	00	01	50
	10686	00	02	75
	10687	00	00	49
	10688	00	17	30
	10691	00	04	84
	10694	00	00	20
	10695	00	00	51
	10696	00	07	27
	10699	00	10	33
	10700	00	02	78
	10702	00	07	64
	10703	00	03	22
	11226	00	12	99
	11227	00	05	34
	11228	00	01	84
	11229	00	03	80
	11230	00	01	61
	11236	00	04	27
	11237	00	00	20
	11397	00	00	82
	11406	00	01	33
	11407	00	05	17
	11408	00	06	80
	11411	00	08	63
	11412	00	08	50
	11423	00	00	71
	11425	00	11	58
	11426	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		11429	00	00	20
		11430	00	01	67
		11433	00	13	65
		11434	00	04	98
		11435	00	03	96
		11441	00	00	54
		11442	00	09	04
		11443	00	00	20
		11444	00	09	30
		11445	00	03	15
		10650/13044	00	02	57
		11498	00	05	61
		11499	00	05	00
		11500	00	11	33
		11502	00	11	55
		11503	00	04	77
		11504	00	04	25
		11712	00	01	08
		11714	00	11	96
		11716	00	10	12
		11717	00	05	39
		11718	00	08	25
		11719	00	01	95
		11741	00	05	96
		11742	00	08	57
		11743	00	00	66
		11814	00	00	20
		11815	00	15	62
		11818	00	15	13
		11819	00	04	75
		11820	00	05	34
		11822	00	00	20
		11823	00	00	20
		11828	00	00	76
		11829	00	12	09
		11830	00	12	39
		11831	00	01	61
		11832	00	01	44
		11833	00	09	73
		11834	00	01	76
		11866	00	01	66
		11867	00	01	83
		12031	00	04	60
		12032	00	01	09
		12033	00	07	13
		12036	00	06	13
		12040	00	00	20
		12041	00	09	68
		12042	00	00	99
		12043	00	03	75
		12044	00	06	11

(1)	(2)	(3)	(4)	(5)	(6)
		12051	00	02	08
		12052	00	06	73
		12054	00	09	43
		11866/12340	00	21	45
		12027/12341	00	04	35
		11858/12343	00	00	20
		11812/13072	00	00	60
चिरुलिया	265	449	00	08	97
		450	00	00	20
		454	00	00	20
		455	00	05	96
		456	00	00	15
		462	00	03	87
		463	00	01	84
		464	00	00	20
		465	00	00	48
		466	00	01	83
		467	00	08	60
		481	00	03	05
		482	00	00	20
		483	00	03	68
		485	00	01	75
		486	00	01	49
		491	00	04	11
		492	00	02	89
		493	00	00	28
		495	00	05	05
		505	00	00	20
		506	00	04	70
		507	00	00	28
		508	00	00	73
		509	00	07	90
		511	00	01	80
		513	00	00	44
		514	00	13	02
		522	00	02	26
		523	00	02	16
		525	00	00	60
		526	00	03	13
		527	00	05	12
		528	00	02	64
		529	00	02	86
		549	00	01	04
		552	00	09	57
		553	00	01	25
		554	00	00	20
		563	00	09	95
		564	00	00	20
		566	00	17	10
		567	00	00	43

(1)	(2)	(3)	(4)	(5)	(6)
		569	00	01	46
		570	00	05	01
		571	00	03	50
		572	00	01	91
		871	00	03	25
		872	00	04	53
		873	00	02	70
		878	00	07	52
		879	00	01	15
		880	00	00	92
		881	00	08	51
		882	00	01	71
		884	00	00	59
		938	00	08	46
		939	00	04	71
		940	00	07	52
		941	00	00	20
		984	00	00	20
		985	00	17	53
		987	00	04	97
		988	00	00	27
		989	00	03	84
		505/1118	00	00	33
		562/1119	00	00	69
		450/1121	00	00	47
बासुदेबपुर	259	2049	00	01	22
		2050	00	00	29
		2111	00	00	74
		2120	00	01	75
		2121	00	00	86
		2122	00	03	21
		2123	00	01	82
		2124	00	06	03
		2127	00	00	20
		2128	00	05	51
		2129	00	02	82
		2130	00	02	54
		2131	00	00	20
		2132	00	03	77
		2133	00	07	16
		2135	00	02	49
		2142	00	06	46
		2143	00	01	18
		2146	00	04	30
		2147	00	07	00
		2149	00	01	28
		2150	00	10	29
		2151	00	04	22
		2160	00	00	37
		2149/5840	00	05	89

(1)	(2)	(3)	(4)	(5)	(6)
		2150/5841	00	02	34
		2151/5842	00	00	20
		2439	00	03	15
		2440	00	00	20
		2449	00	03	36
		2450	00	04	96
		2451	00	05	80
		2452	00	02	42
		2453	00	01	69
		2454	00	03	53
		2455	00	04	51
		2456	00	06	21
		2457	00	00	72
		2731	00	05	99
		2734	00	14	39
		2741	00	02	79
		2742	00	06	22
		2765	00	00	85
		2768	00	09	69
		2769	00	08	92
		2816	00	12	37
		2817	00	04	00
		2829	00	01	32
		2830	00	00	87
		2894	00	02	31
		2895	00	01	61
		2896	00	11	38
		2897	00	02	49
		2898	00	00	20
		2904	00	03	23
		2905	00	00	58
		2906	00	05	03
		2907	00	03	19
		2908	00	00	42
		2927	00	01	21
		3003	00	05	92
		3004	00	02	93
		3006	00	13	56
		3007	00	01	11
		3010	00	01	84
		3018	00	00	20
		3019	00	09	89
		3020	00	04	05
		3044	00	03	34
		3045	00	02	24
		3046	00	00	48
		3047	00	02	55
		3049	00	00	20
		3056	00	01	11
		3057	00	02	56
		3058	00	11	68

(1)	(2)	(3)	(4)	(5)	(6)
28	70	3061	200	02	10
28	20	3062	200	04	48
05	00	3063	200	07	48
20	80	3299	700	02	18
08	50	3048/5862	800	04	23
05	00	3048/5883	800	01	39
04	00	3048/5884	200	01	46
20	80	3075	800	00	45
10	40	3076	700	09	56
05	00	3077	200	12	22
17	00	3078	800	10	28
28	80	3079	700	09	93
51	10	3082	800	01	06
52	50	3490	800	05	97
00	80	3491	000	00	20
12	00	3492	200	08	33
04	00	3494	800	09	11
08	20	3495	500	05	68
05	00	3496	800	13	58
04	20	3497	000	00	64
05	00	3499	000	01	06
57	20	3780	500	02	03
80	20	3783	500	01	04
87	00	3789	400	01	09
00	70	3791	200	00	20
04	0	3792	700	03	24
00	80	3793	600	03	62
74	10	3794	800	12	09
88	00	3804	000	01	07
08	10	3805	200	03	33
80	00	3806	100	06	11
58	10	3807	500	06	99
81	81	3810	500	00	32
20	00	3847	700	10	55
08	00	3848	200	00	34
00	20	3849	700	04	49
50	00	3850	400	04	14
41	40	3851	500	00	67
84	41	3865	200	01	11
08	80	3867	700	00	62
05	10	3868	700	03	06
50	10	3869	8000	00	20
05	00	3970	8000	00	81
88	80	3478/5923	8000	03	39
01	11	00	8000		
जिनन्दपुर	7255	282	8000	01	63
20	01	284	1000	00	20
05	00	285	7000	01	17
80	50	989	8000	01	33
80	50	000	8000	11	58
88	20	003	0000	01	31

(1)	(2)	(3)	(4)	(5)	(6)
		345	00	07	85
		346	00	05	34
		415	00	00	20
		417	00	03	03
		418	00	02	89
		419	00	00	20
		425	00	00	46
		426	00	08	95
		427	00	04	01
		435	00	00	20
		436	00	00	71
		437	00	03	63
		438	00	01	12
		439	00	02	52
		440	00	03	90
		485	00	00	21
		486	00	00	40
		492	00	03	60
		528	00	00	20
		529	00	05	46
		530	00	00	20
		532	00	03	77
		533	00	05	66
		534	00	00	78
		535	00	07	96
		547	00	0	49
		548	00	08	90
		549	00	01	47
		550	00	00	33
		598	00	01	35
		641	00	00	98
		642	00	01	82
		643	00	13	13
		647	00	06	65
		656	00	00	39
		657	00	06	69
		674	00	00	92
		675	00	04	14
		676	00	14	48
		677	00	03	39
		679	00	01	23
		484/829	00	01	62
		346/854	00	00	20
		428/858	00	03	33
		434/859	00	11	19
		340/896	00	07	64
		492/901	00	10	05
		641/907	00	00	20
		470/928	00	02	08
		470/929	00	02	63
		470/930	00	05	88

(1)	(2)	(3)	(4)	(5)	(6)
		252/949	00	00	30
बाधुयादि	244	1730	00	15	01
		1737	00	03	06
		1738	00	10	81
		1739	00	00	20
		1760	00	12	58
		1769	00	01	25
		1770	00	13	31
		1785	00	01	46
		1824	00	03	04
		1825	00	42	43
		1833	00	00	97
		1838	00	04	11
		1840	00	00	88
		2707	00	00	88
		2708	00	09	90
		2709	00	11	88
		2742	00	06	52
		2713	00	03	32
		2714	00	00	20
		2729	00	02	81
		2932	00	03	77
		1748/3055	00	10	58
		1824/3057	00	14	51
		1833/3089	00	12	28
उत्तर रामघक	239	10	00	00	20
		12	00	18	49
		13	00	15	36
		71	00	06	43
		78	00	06	46
		79	00	03	28
		80	00	10	30
		82	00	07	93
		88	00	00	99
		89	00	06	08
		90	00	07	42
		130	00	07	01
		138	00	05	20
		139	00	04	25
		140	00	01	56
		143	00	00	20
		150	00	02	00
		155	00	00	20
		156	00	04	37
		157	00	06	51
		158	00	03	49
		162	00	01	70
		163	00	01	54
		164	00	01	43

	(1)	(2)	(3)	(4)	(5)	(6)
	00		165	00	01	13
			166	00	01	28
	01		167	00	03	59
	00		168	00	00	13
	01		169	00	02	00
	00		170	00	01	20
	01		173	00	00	20
	10		185	00	00	86
	01		99/363	00	03	93
	10		129/365	00	06	84
	00		162/394	00	02	
	00			00		
उत्तर कुरि	00	238	9	00	00	83
	00		11	00	04	86
	00		13	00	04	02
	00		17	00	02	74
	00		18	00	11	33
	00		41	00	04	23
	00		42	00	01	13
	00		44	00	21	25
	00		51	00	00	23
	00		53	00	05	52
	00		55	00	08	94
	00		56	00	03	99
	00		57	00	04	32
	00		59	00	03	93
			60	00	04	02
	00		67	00	04	12
	00		68	00	00	20
	00		72	00	28	07
	00		73	00	02	12
	00		167	00	01	65
	00		67/336	00	04	72
	00		67/337	00	01	32
	00			00		
बारभागिया	00	236	53	00	00	70
	00		55	00	12	73
	00		56	00	01	33
	00		57	00	02	40
	00		58	00	00	46
	00		142	00	17	55
	00		143	00	06	97
	00		146	00	00	20
	00		175	00	05	47
	00		179	00	02	15
	00		180	00	03	82
	00		181	00	01	98
	00		182	00	03	88
	00		183	00	00	20
	00		253	00	11	34
	00		256	00	02	80

(2)	(1)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
SA	80	00	257	808	00			02		53	
80	80	00	258	808	00			05		28	
88	80	00	259	828	00			05		22	
90	80	00	260	828	00			00		20	
05	00	00	270	878	00			00		67	
70	70	00	337	878	00			00		85	
72	00	00	339	878	00			00		20	
80	80	00	340	878	00			00		40	
18	10	00	399	878	00			03		43	
87	15	00	400	088	00			00		20	
05	00	00	403	188	00			10		20	
80	00	00	425	288	00			01		06	
02	00	00	455	788	00			22		37	
18	01	00	53/605	888	00			00		51	
87	80	00	53/606	888	00			03		04	
87	80	00	53/607	888	00			08		11	
82	80	00	455/631	888	00			00		40	
80	80	00	339/642	888	00			08		40	
05	00	00	144/648	888	00			10		56	
82	80	00	403/681	888	00			09		99	
80	80	00	51/689	888	00			03		57	
84	81	00	400/700	888	00			04		86	
81	10	00	184/728	888	00			09		20	
05	00	00	184/729	888	00			10		84	
05	00	00	317/733	888	00			01		02	
00	80	00	340/744	888	00			07		94	
82	10	00	340/745	888	00			01		02	
80	00	00	455/758	888	00			01		63	
80	00	00	455/759	888	00			01		13	
88	80	00	455/760	888	00			21		92	
85	80	00	455/761	888	00			04		18	
05	00	00	400/774	888	00			03		62	
05	00	00		888	00			00		85	
उत्तर पद्या		233	81		00			00		43	
			84		00			02		142	
			113		00			01		82	
81	00	00	114	888	00			26			
दल्लोदा	10	00	604	888	00			01		54	
81	10	00	753	888	00			12		09	
81	00	00	754	888	00			06		80	
81	80	00	756	888	00			00		67	
80	80	00	757	888	00			01		78	
			758		00			02		94	
10	80	00	776	888	00			05		69	
82	00	00	780	888	00			05		53	
88	00	00	790	888	00			01		37	
88	80	00	791	888	00			12		01	
72	80	00	792	888	00			04		44	
82	00	00	794	888	00			00		59	
72	10	00	802	888	00			04		99	
87	10	00		888	00						

(1)	(2)	(3)	(4)	(5)	(6)
		803	00	03	42
		804	00	04	63
		853	00	08	84
		856	00	09	97
		874	00	00	20
		875	00	07	37
		876	00	00	57
		878	00	03	96
		879	00	01	81
		880	00	21	73
		881	00	00	20
		885	00	00	38
		887	00	00	59
		888	00	10	81
		889	00	08	76
		924	00	03	73
		932	00	03	54
		933	00	05	04
		934	00	00	20
		935	00	05	54
		938	00	02	33
		937	00	14	48
		953	00	01	16
		748/1199	00	00	20
		755/1202	00	00	20
		755/1203	00	02	00
		756/1205	00	01	55
		757/1206	00	00	65
		757/1207	00	00	63
		856/1219	00	06	39
		931/1231	00	03	22
		932/1248	00	00	20
		932/1249	00	00	20

पुलिस थाना : रामनगर

बाधिया	6	1238	00	00	12
		1239	00	01	18
		1240	00	01	76
		1247	00	00	42
		1248	00	05	43
		1249	00	03	96
उदामपुर	5	155	00	05	91
		156	00	00	53
		157	00	00	33
		159	00	04	88
		161	00	02	57
		162	00	00	32
		163	00	01	27
		164	00	01	75

(1)	(2)	(3)	(4)	(5)	(6)
		165	00	03	07
		166	00	02	21
		168	00	00	45
		169	00	01	03
		170	00	04	81
		171	00	09	02

[प्र. सं. आर-25011/13/2004-ओ.आर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 4th October, 2004

S.O. 2519,— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1346 dated the 8th June, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of crude oil from Paradip in the State of Orissa to Haldia in the State of West Bengal by Indian Oil Corporation Limited ;

And whereas, the copies of the said notification were made available to the public on 12th July, 2004 ;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act, has submitted his report to the Central Government ;

And whereas, the Central Government, after considering the said report, is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline ;

And further, in exercise of the powers conferred by the sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in Indian Oil Corporation Limited free from all encumbrances.

Schedule

Police Station : Marishda		District : Purba Midnapur		State : West-Bengal	
Name of Village	Jurisdiction List No.	Plot No.	Hectare	Are	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)
Pachish Batya	79	1115	00	02	25
		1116	00	07	19
		1117	00	03	42
		1118	00	03	89
		1119	00	05	04
		1120	00	10	07
		1121	00	04	86
		1122	00	03	71
		1124	00	03	89
		1125	00	10	49
		1126	00	00	20
		1130/1140	00	00	77
		1131	00	04	54
Hatari	134	24	00	04	54
		25	00	02	28
		26	00	00	86
		30	00	02	97
		32	00	00	20
		44	00	01	56
		45	00	05	82
		48	00	11	28
		49	00	00	31
		54	00	01	59
		55	00	09	22
		56	00	01	06
		57	00	00	37
		59	00	10	72
		68	00	01	77
		69	00	08	17
		70	00	06	20
		71	00	03	33
		72	00	02	63
		81	00	01	24
		107	00	00	78
		109	00	02	58
		114	00	00	20
		115	00	04	10
		116	00	16	41
		117	00	00	20
		122	00	10	05
		123	00	11	68
		124	00	00	20
		129	00	01	06
		130	00	05	81
		151	00	00	20
		152	00	00	72
		153	00	10	82

(1)	(2)	(3)	(4)	(5)	(6)
		155	00	14	69
		156	00	11	89
		158	00	00	50
		159	00	12	73
		166	00	08	47
		190	00	00	21
		245	00	00	20
		249	00	05	86
		251	00	07	84
		253	00	06	00
		254	00	02	20
		363	00	06	05
		364	00	01	79
		365	00	08	05
		371	00	00	30
		372	00	13	09
		373	00	05	20
		378	00	04	82
		387	00	00	20
		388	00	06	89
		389	00	00	38
		391	00	07	72
		392	00	05	67
		496	00	04	88
		497	00	01	76
		498	00	07	64
		499	00	01	63
		516	00	00	66
		159/1123	00	02	58
		131/1124	00	09	80
		45/1130	00	05	30
		31/1131	00	00	23
		215/1154	00	00	20
		107/1171	00	02	20
		107/1183	00	11	16
		215/1185	00	02	37
Srichandanpur	76	14	00	19	47
		78	00	00	68
		79	00	00	75
		80	00	01	04
		81	00	07	12
		82	00	05	09
		83	00	05	07
		84	00	03	55
		85	00	04	39
		87	00	02	27
		88	00	02	11
		95	00	04	93
		99	00	02	26
		111	00	18	67

(1)	(2)	(3)	(4)	(5)	(6)
		112	00	08	53
		113	00	17	28
		99/137	00	00	76
		14/138	00	00	73
		80/147	00	01	98
		113/148	00	00	65
		100/160	00	03	10
		74/201	00	08	97
		99/212	00	15	49
Bahulya	75	60	00	00	20
		103	00	01	31
		105	00	00	22
		106	00	05	48
		110	00	09	09
		112	00	00	53
		117	00	00	25
		118	00	08	46
		119	00	12	68
		127	00	27	29
		133	00	01	03
		134	00	03	57
		135	00	00	22
		142	00	00	58
		144	00	08	47
		145	00	06	08
		146	00	04	38
		148	00	09	24
		151	00	00	20
		152	00	05	56
		153	00	09	06
		155	00	00	20
		322	00	00	74
Bamania	74	62	00	00	20
		63	00	08	69
		64	00	00	60
		65	00	00	99
		162	00	00	48
		165	00	03	38
		166	00	03	07
		168	00	02	96
		169	00	02	51
		170	00	02	40
		173	00	06	38
		174	00	03	28
		176	00	07	65
		179	00	01	73
		180	00	08	11
		192	00	00	89
		195	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		196	00	08	88
		197	00	11	96
		200	00	09	32
		332	00	01	59
		333	00	02	84
		334	00	02	49
		337	00	00	20
		377	00	00	70
		378	00	00	33
		379	00	07	81
		384	00	01	49
		385	00	06	06
		386	00	07	89
		401	00	11	77
		402	00	00	44
		405	00	08	63
		413	00	00	40
		63/617	00	02	64
		174/679	00	03	18
		195/685	00	00	49
		196/686	00	01	10
		199/687	00	04	55
Shibpurbeltalya	41	121	00	00	81
		161	00	03	50
		169	00	14	56
		180	00	06	76
		185	00	01	01
		210	00	00	19
		211	00	09	70
		242	00	03	77
		243	00	00	84
		257	00	01	38
		161/438	00	05	71
		170/474	00	00	20
		170/475	00	02	31
		170/476	00	05	31
		170/477	00	02	63
		170/478	00	00	10
		170/480	00	01	66
		170/481	00	04	94
		170/482	00	00	56
		174/483	00	02	29
		174/484	00	04	50
		174/485	00	00	21
		179/494	00	01	04
		180/497	00	00	17
		180/498	00	00	11
		80/499	00	06	61
		211/500	00	05	74
		180/501	00	07	47

(1)	(2)	(3)	(4)	(5)	(6)
		180/502	00	06	44
		206/513	00	09	17
		207/517	00	06	66
		207/518	00	06	11
		210/523	00	09	27
		210/524	00	04	18
		211/529	00	06	71
		211/530	00	00	20
		242/538	00	09	04
		242/539	00	10	38
		242/540	00	04	32
		257/556	00	15	20
		258/560	00	05	84
		258/561	00	06	00
		258/562	00	02	65
Kadua	42	70	00	02	17
		71	00	03	86
		72	00	05	94
		73	00	00	72
		75	00	09	22
		76	00	08	64
		79	00	00	16
		80	00	03	60
		81	00	05	01
		69/215	00	00	63
		69/216	00	02	02
		82/218	00	02	85
Dhanghara	52	1	00	00	83
		6	00	00	21
		10	00	03	20
		11	00	03	53
		12	00	05	93
		14	00	02	44
		15	00	02	12
		17	00	05	73
		19	00	02	71
		20	00	00	20
		18/309	00	02	14
		6/316	00	05	17
		6/317	00	05	49
		6/318	00	02	57
		9/323	00	02	05
		9/325	00	03	34
		9/326	00	00	88
		10/327	00	00	61
		11/328	00	02	05
		11/329	00	02	02
		13/330	00	06	03
		14/333	00	02	71

(1)	(2)	(3)	(4)	(5)	(6)
		14/334	00	01	39
		14/335	00	02	76
		18/336	00	02	40
		20/339	00	01	40
		20/340	00	00	27
Kumariakhankakuria	51	30	00	00	20
		31	00	02	83
		55	00	03	55
		56	00	02	42
		57	00	03	21
		59	00	04	23
		60	00	03	15
		61	00	03	58
		62	00	04	99
		83	00	00	98
		84	00	07	91
		93	00	04	22
		94	00	01	94
		95	00	00	61
		97	00	05	22
		62/122	00	01	12
		62/123	00	00	20
		41/124	00	01	01
		19/148	00	00	20
		19/149	00	02	86
		19/152	00	07	26
		19/153	00	03	92
		19/154	00	03	68
		19/158	00	03	00
		19/159	00	02	81
		19/160	00	00	90
		19/161	00	02	65
		19/163	00	04	06
		19/164	00	04	05
		19/165	00	01	01
		19/166	00	03	82
		31/182	00	07	32
		31/183	00	02	66
		31/184	00	03	44
		31/185	00	01	69
		31/186	00	00	11
		82/216	00	00	20
		93/245	00	07	21
		93/246	00	03	58
		93/247	00	04	00
		96/254	00	14	90
		97/257	00	02	21
		98/260	00	00	20
Harinapashdalbar	53	56	00	04	59

(1)	(2)	(3)	(4)	(5)	(6)
		57	00	01	52
		58	00	10	01
		335	00	06	37
		336	00	00	50
		338	00	00	40
		340	00	05	86
		341	00	04	82
		346	00	01	06
		347	00	09	97
		349	00	16	09
		352	00	02	97
		356	00	11	48
		357	00	00	20
		335/597	00	00	93
		56/605	00	00	87
		53/634	00	00	47
		53/635	00	01	96
		53/637	00	01	45
		56/655	00	01	05
		56/656	00	04	39
		56/662	00	00	20
		56/664	00	03	99
		56/665	00	05	74
		56/666	00	07	15
		56/669	00	07	62
		56/670	00	05	59
		56/672	00	02	71
		56/673	00	05	22
		56/674	00	03	09
		58/693	00	00	20
		58/694	00	04	35
		58/697	00	06	24
		58/698	00	06	47
		58/699	00	02	88
		58/700	00	00	20
		58/701	00	02	28
		58/702	00	08	71
		62/711	00	01	18
		62/712	00	00	17
		341/806	00	04	40
		342/807	00	04	85
		342/808	00	06	01
		346/811	00	11	63
		347/812	00	00	69
		352/816	00	06	59
		352/817	00	02	88
		352/818	00	00	20
		352/819	00	02	81
		352/820	00	03	60
		352/821	00	03	55
		355/826	00	01	57

(1)	(2)	(3)	(4)	(5)	(6)
		355/827	00	02	10
		355/828	00	01	46
		355/829	00	02	38
		355/830	00	03	82
Dumurbere	47	1	00	06	74
		2	00	04	76
		3	00	07	07
		18	00	05	51
		17/194	00	04	18
		13/266	00	07	71
		13/270	00	10	43
		18/274	00	02	72
		18/276	00	02	60
		18/277	00	08	15
		18/278	00	03	79
		18/280	00	04	62
		18/281	00	07	97
		18/282	00	07	35
Paschim Sarpai	46	141	00	05	22
		143	00	02	84
		144	00	09	73
		146	00	04	28
		148	00	03	53
		149	00	00	86
		150	00	03	89
		152	00	00	14
		321	00	01	62
		330	00	04	89
		331	00	08	30
		332	00	02	70
		333	00	18	48
		351	00	01	11
		357	00	01	77
		358	00	01	69
		360	00	01	67
		381	00	01	57
		382	00	02	88
		385	00	04	82
		431	00	01	56
		432	00	00	20
		433	00	00	20
		434	00	04	57
		435	00	04	47
		446	00	04	83
		447	00	08	36
		448	00	03	26
		452	00	07	17
		453	00	01	11
		454	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		455	00	02	81
		458	00	04	25
		460	00	00	60
		560	00	01	16
		145/614	00	04	16
		145/615	00	00	20
		148/616	00	04	33
		148/617	00	03	38
		148/618	00	03	46
		148/620	00	03	42
		151/621	00	02	60
		151/622	00	02	41
		152/623	00	03	07
		319/657	00	00	89
		319/658	00	05	03
		319/659	00	07	25
		319/661	00	09	72
		319/662	00	07	61
		329/671	00	00	11
		332/672	00	00	20
		350/697	00	05	77
		350/698	00	10	83
		350/699	00	03	49
		350/700	00	00	48
		350/701	00	00	98
		430/719	00	08	82
		451/724	00	00	91
		453/725	00	01	68
		454/726	00	00	20
		455/727	00	03	35
		460/728	00	01	00
		462/730	00	00	20

Police Station : Egra

Bolkushda	90	35	00	03	73
		37	00	01	26
		38	00	04	46
		39	00	15	83
		41	00	05	53
		42	00	06	55
		43	00	01	56
		56	00	03	52
		57	00	09	38
		58	00	00	31
		62	00	02	73
		63	00	08	33
		64	00	00	20
		65	00	00	38
		66	00	10	21
		35/1362	00	00	20
		35/1374	00	13	27

(1)	(2)	(3)	(4)	(5)	(6)
Chatla	93	2436	00	07	39
		2437	00	06	53
		2441	00	01	47
		2443	00	00	57
		2444	00	06	28
		2445	00	08	73
		2449	00	07	29
		2450	00	01	01
		2478	00	00	20
		2479	00	06	52
		2483	00	11	49
		2487	00	08	29
		2488	00	08	48
		2507	00	00	95
		2508	00	13	48
		2512	00	00	20
		2513	00	11	29
		2514	00	01	11
		2518	00	06	22
		2519	00	00	20
		2520	00	01	88
		3250	00	09	15
		3280	00	06	55
		3281	00	09	42
		3284	00	08	37
		3285	00	02	72
		3291	00	02	12
		3292	00	00	20
		3293	00	00	33
		3294	00	04	46
		3295	00	09	70
		3296	00	00	73
		3297	00	01	18
		3310	00	02	08
		3311	00	09	73
		3312	00	06	45
		3313	00	00	20
		3318	00	02	37
		3342	00	17	04
		3343	00	00	58
		3358	00	00	20
		3359	00	00	23
		3360	00	11	24
		3361	00	01	67
		3362	00	09	09
		3363	00	00	31
		3366	00	14	49
		3367	00	18	80
		3312/3839	00	10	87
		2507/3918	00	02	78
		3540	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		3541	00	08	23
		3542	00	01	98
		3543	00	05	14
		3544	00	00	20
		3549	00	06	95
		3551	00	13	20
		3554	00	08	99
		3560	00	02	31
		3561	00	06	10
		3559/3925	00	07	66
Chirulia	102	1304	00	05	40
		1318	00	00	76
		1319	00	05	41
		1320	00	02	46
		1321	00	04	29
		1324	00	01	43
		1325	00	00	20
		1326	00	05	64
		1327	00	04	38
		1328	00	01	40
		1333	00	00	76
		1334	00	06	17
		1335	00	03	42
		1336	00	02	05
		1337	00	02	00
		1339	00	09	12
		1340	00	00	61
		1379	00	13	03
		1380	00	04	96
		1385	00	07	22
		1386	00	00	24
		1387	00	00	62
		1388	00	12	78
		1391	00	10	98
		1392	00	00	20
Paniparul	203	368	00	00	56
		369	00	01	18
		370	00	01	36
		512	00	00	20
		513	00	06	85
		514	00	11	10
		598	00	09	46
		602	00	04	28
		604	00	14	12
		605	00	19	23
		614	00	00	45
		615	00	00	91
		616	00	05	85
		617	00	02	45

(1)	(2)	(3)	(4)	(5)	(6)
		628	00	01	58
		629	00	06	89
		630	00	04	10
		637	00	09	35
		638	00	04	49
		639	00	00	24
		650	00	12	68
		656	00	15	57
		657	00	06	03
		688	00	04	32
		689	00	00	27
		624/6258	00	07	56
		652	00	00	75
		655	00	08	92
		656	00	00	34
		657	00	05	24
		745	00	04	90
		746	00	01	47
		748	00	00	20
		749	00	00	11
		750	00	10	39
		751	00	00	94
		755	00	04	66
		756	00	04	20
		757	00	03	14
		758	00	07	29
		784	00	19	87
		790	00	01	61
		791	00	17	56
		792	00	12	08
		793	00	05	18
		795	00	00	55
		796	00	00	12
		807	00	03	97
		808	00	00	26
		866	00	00	20
		988	00	20	39
		990	00	04	22
		991	00	09	95
		994	00	07	16
		995	00	04	04
		1006	00	00	55
		1008	00	00	77
		1009	00	26	37
		1010	00	00	20
		1013	00	02	41
		1025	00	01	11
		1027	00	06	33
		1028	00	06	95
		1029	00	00	23
		1246	00	08	83

(1)	(2)	(3)	(4)	(5)	(6)
		1247	00	09	71
		1262	00	00	37
		1263	00	05	13
		1264	00	04	73
		1265	00	00	37
		1266	00	07	14
		1267	00	00	39
		1269	00	03	25
		1270	00	05	65
		1271	00	13	79
		1272	00	01	46
		1273	00	09	43
		1274	00	02	65
		745/8901	00	00	66
		746/8902	00	07	21
		758/8903	00	07	59
		988/8908	00	05	42
		794/8911	00	06	96
		1007/8948	00	04	76
		1025/8952	00	01	96
		1027/8953	00	01	25
		2794	00	05	13
		2795	00	02	64
		8000	00	08	82
Lalpur	202	129	00	07	06
		173	00	10	23
		174	00	04	69
		175	00	02	98
		179	00	09	03
		181	00	01	09
		182	00	06	74
		183	00	00	20
		184	00	07	65
		185	00	00	58
		192	00	00	62
		193	00	00	28
		185/1027	00	10	51
Khurutia	201	352	00	00	24
		353	00	00	97
		361	00	08	43
		362	00	02	32
		363	00	03	81
		364	00	00	23
		368	00	03	20
		369	00	09	55
		373	00	00	20
		360/1468	00	00	20
		360/1469	00	05	77

(1)	(2)	(3)	(4)	(5)	(6)
		382/1471	00	01	19
		383/1472	00	00	55
		382/1661	00	00	58
		397	00	02	55
		398	00	00	39
		401	00	05	83
		403	00	04	66
		404	00	02	70
		406	00	03	73
		408	00	05	46
		419	00	00	42
		421	00	01	53
		423	00	00	57
		424	00	02	33
		425	00	01	54
		426	00	04	39
		427	00	01	15
		430	00	01	24
		431	00	00	20
		848	00	00	93
		849	00	01	46
		851	00	03	63
		852	00	06	31
		853	00	08	13
		854	00	10	60
		857	00	00	20
		858	00	01	64
		936	00	00	24
		938	00	00	58
		939	00	15	20
		940	00	00	70
		949	00	04	98
		950	00	05	63
		951	00	01	15
		953	00	00	51
		962	00	05	29
		963	00	05	93
		964	00	04	77
		965	00	08	00
		966	00	00	20
		969	00	01	52
		1153	00	00	20
		1154	00	00	20
		1155	00	02	67
		1156	00	05	47
		1157	00	03	83
		1159	00	01	23
		1160	00	05	89
		1161	00	07	03
		1183	00	05	57
		1186	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		1187	00	14	06
		1189	00	02	97
		1191	00	01	67
		1200	00	06	11
		1201	00	07	61
		1223	00	07	32
		1228	00	00	20
		1229	00	11	42
		1230	00	09	38
		1231	00	00	20
		1232	00	06	11
		1244	00	08	92
		1245	00	01	38
		1246	00	07	09
		1247	00	00	61
		1248	00	01	75
		1252	00	03	03
		1294	00	05	33
		1295	00	00	56
		1298	00	09	01
		1300	00	04	52
		1301	00	03	23
		1303	00	12	02
		430/1494	00	08	61
		948/1567	00	01	29
		1190/1625	00	02	69
		1194/1627	00	00	38
		1199/1631	00	02	27
		1201/1633	00	01	25
		1231/1639	00	12	10
		1242/1646	00	06	11
		1244/1647	00	02	18
Teghari	200	1	00	08	16
		2	00	02	52
		3	00	03	54
		21	00	04	99
		22	00	00	32
		1/443	00	04	39
Garia	196	999	00	00	20
		1035	00	04	85
		1036	00	00	20
		1072	00	02	98
		1073	00	10	60
		1074	00	00	63
		1075	00	09	72
		1078	00	03	54
		1079	00	02	40
		1087	00	10	93
		1088	00	04	37

(1)	(2)	(3)	(4)	(5)	(6)
		1096	00	00	70
		1102	00	02	53
		1103	00	04	40
		1104	00	07	29
		1106	00	04	59
		1125	00	01	41
		1126	00	07	02
		1127	00	02	83
		1134	00	00	34
		1135	00	11	39
		1136	00	10	17
		1137	00	03	12
		1138	00	01	67
		1139	00	00	20
		1152	00	17	85
		1155	00	01	82
Asti	195	1024	00	00	20
		1025	00	03	76
		1027	00	02	11
		1028	00	06	45
Dubda	191	9282	00	00	61
		9283	00	04	01
		9284	00	02	59
		9285	00	01	63
		9288	00	00	20
		9299	00	08	84
		9300	00	02	04
		9456	00	01	19
		9457	00	06	99
		9458	00	00	20
		9460	00	10	54
		9461	00	03	07
		9471	00	07	99
		9472	00	00	20
		9473	00	10	64
		9474	00	02	25
		9481	00	04	31
		9487	00	03	28
		9488	00	02	73
		9489	00	05	33
		9511	00	00	81
		9512	00	08	39
		9513	00	01	01
		9514	00	09	62
		9522	00	07	35
		9523	00	05	49
		9524	00	07	92
		9525	00	03	44
		9529	00	16	81

(1)	(2)	(3)	(4)	(5)	(6)
		9620	00	03	01
		10712	00	04	07
		10714	00	01	06
		10715	00	05	16
		10716	00	03	P 2
		10720	00	02	38
		10727	00	01	42
		9625	00	17	03
		9626	00	00	08
		9627	00	00	20
		9628	00	07	02
		9630	00	07	05
		9661	00	00	20
		9663	00	03	29
		9664	00	03	55
		9667	00	16	59
		9668	00	04	49
		9682	00	00	32
		9683	00	09	41
		9684	00	04	17
		9685	00	00	20
		9686	00	10	76
		9686	00	00	33
		9689	00	01	81
		9690	00	08	03
		9691	00	05	34
		9692	00	09	43
		9708	00	00	20
		9580/13036	00	04	83
		9692/13040	00	03	02
		10135	00	03	52
		10164	00	01	22
		10269	00	06	73
		10273	00	09	94
		10274	00	04	67
		10275	00	00	20
		10281	00	03	57
		10282	00	03	25
		10284	00	02	94
		10285	00	03	06
		10287	00	02	97
		10288	00	03	60
		10289	00	00	20
		10290	00	03	18
		10291	00	05	07
		10292	00	04	97
		10411	00	02	48
		10451	00	01	17
		10452	00	00	67
		10453	00	01	39
		10454	00	01	66

(1)	(2)	(3)	(4)	(5)	(6)
		10455	00	00	39
		10456	00	12	54
		10457	00	00	20
		10473	00	00	20
		10474	00	01	90
		10475	00	03	48
		10476	00	00	45
		10477	00	06	26
		10478	00	06	61
		10479	00	03	69
		10480	00	03	68
		10481	00	03	66
		10482	00	00	97
		10488	00	12	51
		10489	00	00	20
		10491	00	00	74
		10492	00	17	11
		10493	00	00	20
		10494	00	00	20
		10648	00	00	20
		10649	00	12	30
		10657	00	15	33
		10658	00	15	22
		10661	00	01	50
		10686	00	02	75
		10687	00	00	49
		10688	00	17	30
		10691	00	04	84
		10694	00	00	20
		10695	00	00	51
		10696	00	07	27
		10699	00	10	33
		10700	00	02	78
		10702	00	07	64
		10703	00	03	22
		11226	00	12	99
		11227	00	05	34
		11228	00	01	84
		11229	00	03	80
		11230	00	01	61
		11236	00	04	27
		11237	00	00	20
		11397	00	00	82
		11406	00	01	33
		11407	00	05	17
		11408	00	06	80
		11411	00	08	63
		11412	00	08	50
		11423	00	00	71
		11425	00	11	58
		11426	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
		11429	00	00	20
		11430	00	01	67
		11433	00	13	65
		11434	00	04	98
		11435	00	03	96
		11441	00	00	54
		11442	00	09	04
		11443	00	00	20
		11444	00	09	30
		11445	00	03	15
	10650/13044		00	02	57
		11498	00	05	61
		11499	00	05	00
		11500	00	11	33
		11502	00	11	55
		11503	00	04	77
		11504	00	04	25
		11712	00	01	08
		11714	00	11	96
		11716	00	10	12
		11717	00	05	39
		11718	00	08	25
		11719	00	01	95
		11741	00	05	96
		11742	00	08	57
		11743	00	00	66
		11814	00	00	20
		11815	00	15	62
		11818	00	15	13
		11819	00	04	75
		11820	00	05	34
		11822	00	00	20
		11823	00	00	20
		11828	00	00	76
		11829	00	12	09
		11830	00	12	39
		11831	00	01	61
		11832	00	01	44
		11833	00	09	73
		11834	00	01	76
		11866	00	01	66
		11867	00	01	83
		12031	00	04	60
		12032	00	01	09
		12033	00	07	13
		12036	00	06	13
		12040	00	00	20
		12041	00	09	68
		12042	00	00	99
		12043	00	03	75
		12044	00	06	11

(1)	(2)	(3)	(4)	(5)	(6)
		12051	00	02	08
		12052	00	06	73
		12054	00	09	43
		11866/12340	00	21	45
		12027/12341	00	04	35
		11858/12343	00	00	20
		11812/13072	00	00	60
Chirulia	265	449	00	08	97
		450	00	00	20
		454	00	00	20
		455	00	05	96
		456	00	00	15
		462	00	03	87
		463	00	01	84
		464	00	00	20
		465	00	00	48
		466	00	01	83
		467	00	08	60
		481	00	03	05
		482	00	00	20
		483	00	03	68
		485	00	01	75
		486	00	01	49
		491	00	04	11
		492	00	02	89
		493	00	00	28
		495	00	05	05
		505	00	00	20
		506	00	04	70
		507	00	00	28
		508	00	00	73
		509	00	07	90
		511	00	01	80
		513	00	00	44
		514	00	13	02
		522	00	02	26
		523	00	02	16
		525	00	00	60
		526	00	03	13
		527	00	05	12
		528	00	02	64
		529	00	02	86
		549	00	01	04
		552	00	09	57
		553	00	01	25
		554	00	00	20
		563	00	09	95
		564	00	00	20
		566	00	17	10
		567	00	00	43

(1)	(2)	(3)	(4)	(5)	(6)
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		570	00	05	01
		571	00	03	50
		572	00	01	91
		871	00	03	25
		872	00	04	53
		873	00	02	70
		878	00	07	52
		879	00	01	15
		880	00	00	92
		881	00	08	51
		882	00	01	71
		884	00	00	59
		938	00	08	46
		939	00	04	71
		940	00	07	52
		941	00	00	20
		984	00	00	20
		985	00	17	53
		987	00	04	97
		988	00	00	27
		989	00	03	84
		505/1118	00	00	33
		562/1119	00	00	69
		450/1121	00	00	47
Bashudebpur	259	2049	00	01	22
		2050	00	00	29
		2111	00	00	74
		2120	00	01	75
		2121	00	00	86
		2122	00	03	21
		2123	00	01	82
		2124	00	06	03
		2127	00	00	20
		2128	00	05	51
		2129	00	02	82
		2130	00	02	54
		2131	00	00	20
		2132	00	03	77
		2133	00	07	16
		2135	00	02	49
		2142	00	06	46
		2143	00	01	18
		2146	00	04	30
		2147	00	07	00
		2149	00	01	28
		2150	00	10	29
		2151	00	04	22
		2160	00	00	37
		2149/5840	00	05	89

(1)	(2)	(3)	(4)	(5)	(6)
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		2151/5842	00	00	20
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		2449	00	03	36
		2450	00	04	96
		2451	00	05	80
		2452	00	02	42
		2453	00	01	69
		2454	00	03	53
		2455	00	04	51
		2456	00	06	21
		2457	00	00	72
		2731	00	05	99
		2734	00	14	39
		2741	00	02	79
		2742	00	06	22
		2765	00	00	85
		2768	00	09	69
		2769	00	08	92
		2816	00	12	37
		2817	00	04	00
		2829	00	01	32
		2830	00	00	87
		2894	00	02	31
		2895	00	01	61
		2896	00	11	38
		2897	00	02	49
		2898	00	00	20
		2904	00	03	23
		2905	00	00	58
		2906	00	05	03
		2907	00	03	19
		2908	00	00	42
		2927	00	01	21
		3003	00	05	92
		3004	00	02	93
		3006	00	13	56
		3007	00	01	11
		3010	00	01	84
		3018	00	00	20
		3019	00	09	89
		3020	00	04	05
		3044	00	03	34
		3045	00	02	24
		3046	00	00	48
		3047	00	02	55
		3049	00	00	20
		3056	00	01	11
		3057	00	02	56
		3058	00	11	68

(1)	(2)	(3)	(4)	(5)	(6)
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		3062	00	04	48
		3063	00	07	48
		3299	00	02	18
		3046/5862	00	04	23
		3046/5863	00	01	39
		3046/5864	00	01	46
		3475	00	00	45
		3476	00	09	56
		3477	00	12	22
		3478	00	10	28
		3479	00	09	93
		3482	00	01	06
		3490	00	05	97
		3491	00	00	20
		3492	00	08	33
		3494	00	09	11
		3495	00	05	68
		3496	00	13	58
		3497	00	00	64
		3499	00	01	06
		3780	00	02	03
		3783	00	01	04
		3789	00	01	09
		3791	00	00	20
		3792	00	03	24
		3793	00	03	62
		3794	00	12	09
		3804	00	01	07
		3805	00	03	33
		3806	00	06	11
		3807	00	06	99
		3810	00	00	32
		3847	00	10	55
		3848	00	00	34
		3849	00	04	49
		3850	00	04	14
		3851	00	00	67
		3965	00	01	11
		3967	00	00	62
		3968	00	03	06
		3969	00	00	20
		3970	00	00	81
		3478/5923	00	03	39
Jinandapur	255	282	00	01	63
		284	00	00	20
		285	00	01	17
		339	00	01	33
		340	00	11	58
		343	00	01	31

(1)	(2)	(3)	(4)	(5)	(6)
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		346	00	05	34
		415	00	00	20
		417	00	03	03
		418	00	02	89
		419	00	00	20
		425	00	00	46
		426	00	08	95
		427	00	04	01
		435	00	00	20
		436	00	00	71
		437	00	03	63
		438	00	01	12
		439	00	02	52
		440	00	03	90
		485	00	00	21
		486	00	00	40
		492	00	03	80
		528	00	00	20
		529	00	05	46
		530	00	00	20
		532	00	03	77
		533	00	05	68
		534	00	00	78
		535	00	07	96
		547	00	0	49
		548	00	08	90
		549	00	01	47
		550	00	00	33
		596	00	01	35
		641	00	00	98
		642	00	01	82
		643	00	13	13
		647	00	06	65
		656	00	00	39
		657	00	06	69
		674	00	00	92
		675	00	04	14
		676	00	14	48
		677	00	03	39
		679	00	01	23
		484/829	00	01	62
		346/854	00	00	20
		428/858	00	03	33
		434/859	00	11	19
		340/896	00	07	64
		492/901	00	10	05
		641/907	00	00	20
		470/928	00	02	08
		470/929	00	02	63
		470/930	00	05	88

(1)	(2)	(3)	(4)	(5)	(6)
		282/949	00	00	30
Bathuari	244	1730	00	15	01
		1737	00	03	06
		1738	00	10	81
		1739	00	00	20
		1746	00	12	56
		1769	00	01	25
		1770	00	13	31
		1785	00	01	46
		1824	00	03	04
		1825	00	42	43
		1833	00	00	97
		1838	00	04	11
		1840	00	00	88
		2707	00	00	68
		2708	00	09	90
		2709	00	11	88
		2712	00	06	52
		2713	00	03	32
		2714	00	00	20
		2723	00	02	81
		2932	00	03	77
		1746/3055	00	10	58
		1824/3057	00	14	51
		1833/3089	00	12	28
Uttarramchak	239	10	00	00	20
		12	00	16	49
		13	00	15	36
		71	00	06	43
		78	00	06	46
		79	00	03	28
		80	00	10	30
		82	00	07	93
		88	00	00	99
		89	00	06	08
		90	00	07	42
		130	00	07	01
		138	00	05	20
		139	00	04	25
		140	00	01	56
		143	00	00	20
		150	00	02	00
		155	00	00	20
		156	00	04	37
		157	00	06	51
		158	00	03	49
		162	00	01	70
		163	00	01	54
		164	00	01	43

(1)	(2)	(3)	(4)	(5)	(6)
		165	00	01	13
		166	00	01	28
		167	00	03	71
		168	00	00	59
		169	00	02	13
		170	00	01	00
		173	00	00	20
		185	00	00	20
		99/363	00	03	86
		129/365	00	06	93
		162/394	00	02	84
Uttarkuri	238	9	00	00	83
		11	00	04	86
		13	00	04	02
		17	00	02	74
		18	00	11	33
		41	00	04	23
		42	00	01	13
		44	00	21	25
		51	00	00	23
		53	00	05	52
		55	00	08	94
		56	00	03	99
		57	00	04	32
		59	00	03	93
		60	00	04	02
		67	00	04	42
		68	00	00	20
		72	00	28	07
		73	00	02	12
		167	00	01	65
		67/336	00	04	72
		67/337	00	01	32
Barhbhagia	236	53	00	00	70
		55	00	12	73
		56	00	01	33
		57	00	02	40
		58	00	00	46
		142	00	17	55
		143	00	06	97
		146	00	00	20
		175	00	05	47
		179	00	02	15
		180	00	03	82
		181	00	01	98
		182	00	03	88
		183	00	00	20
		253	00	11	34
		256	00	02	80

(1)	(2)	(3)	(4)	(5)	(6)
		257	00	02	53
		258	00	05	28
		259	00	05	22
		260	00	00	20
		270	00	00	67
		337	00	00	85
		339	00	00	20
		340	00	00	40
		399	00	03	43
		400	00	00	20
		403	00	10	20
		425	00	01	06
		455	00	22	37
		53/605	00	00	51
		53/606	00	03	04
		53/607	00	08	11
		455/631	00	00	40
		339/642	00	08	40
		144/648	00	10	56
		403/681	00	09	99
		51/689	00	03	57
		400/700	00	04	86
		184/728	00	09	20
		184/729	00	10	84
		317/733	00	01	02
		340/744	00	07	94
		340/745	00	01	02
		455/758	00	01	63
		455/759	00	01	13
		455/760	00	21	92
		455/761	00	04	18
		400/774	00	03	62
Uttarpadma	233	81	00	00	85
		84	00	02	43
		113	00	01	14
		114	00	26	82
Dhalgoda	231	604	00	01	54
		753	00	12	09
		754	00	06	80
		756	00	00	67
		757	00	01	78
		758	00	02	94
		776	00	05	69
		780	00	05	53
		790	00	01	37
		791	00	12	01
		792	00	04	44
		794	00	00	59
		802	00	04	99

(1)	(2)	(3)	(4)	(5)	(6)
		803	00	03	42
		804	00	04	63
		853	00	08	84
		856	00	09	97
		874	00	00	20
		875	00	07	37
		876	00	00	57
		878	00	03	96
		879	00	01	81
		880	00	21	73
		881	00	00	20
		885	00	00	38
		887	00	00	59
		888	00	10	81
		889	00	08	76
		924	00	03	73
		932	00	03	54
		933	00	05	04
		934	00	00	20
		935	00	05	54
		936	00	02	33
		937	00	14	48
		953	00	01	16
		746/1199	00	00	20
		755/1202	00	00	20
		755/1203	00	02	00
		756/1205	00	01	55
		757/1206	00	00	65
		757/1267	00	00	63
		856/1219	00	06	39
		931/1231	00	03	22
		932/1248	00	00	20
		932/1249	00	00	20

Police Station : Ramnagar

Badhia	6	1238	00	00	12
		1239	00	01	18
		1240	00	01	78
		1247	00	00	42
		1248	00	05	43
		1249	00	03	96
Udampur	5	155	00	05	91
		156	00	00	53
		157	00	00	33
		159	00	04	88
		161	00	02	57
		162	00	00	32
		163	00	01	27
		164	00	01	75

(1)	(2)	(3)	(4)	(5)	(6)
		165	00	03	07
		166	00	02	21
		168	00	00	45
		169	00	01	03
		170	00	04	61
		171	00	09	02

[No. R-25011/13/2004-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 4 अक्टूबर, 2004

का. आ. 2520.- केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 466, तारीख 23 फरवरी, 2004 द्वारा राजस्थान राज्य में कोयली - सिद्धपुर - सांगानेर से अजमेर तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन बिछाई जाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य के अजमेर जिला में तहसील नसीराबाद की भूमि में उपयोग का अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ साधारण जनता को तारीख 15 मार्च, 2004 को उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में सक्षम प्राधिकारी को जनता से कोई आक्षेप प्राप्त नहीं हुआ है ।

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पाइपलाइन बिछाने के संबंध में उपयोग का अधिकार इस घोषणा के प्रकाशन के तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : नसीराबाद

जिला : अजमेर

राज्य : राजस्थान

गाँव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
भवानीखेडा	1707	0	11	00
	1706	0	07	00
	1699	0	03	20
	1615	0	03	00

[फ. सं. आर-25011/2/2004-ओ.आर.-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 4th October, 2004

S. O. 2520.— Whereas by the notification of the Government of India, in the Ministry of Petroleum and Natural Gas No. S.O. 466, dated 23rd February, 2004 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in Tehsil : Nasirabad, District : Ajmer in Rajasthan State, specified in the schedule appended to that notification, for the purpose of laying Pipeline for the transportation of Petroleum Product from Koyali - Sidhpur - Sangarner to Ajmer in the State of Rajasthan by the Indian Oil Corporation Limited ;

And whereas, copies of the said gazette notification were made available to the general public on dated 15th March, 2004;

And whereas, No objection have been received by the Competent Authority from the public regarding the laying of the pipeline.

And whereas, the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report and on being satisfied that said land is required for laying pipeline has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline.

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances.

SCHEDULE**Tehsil : Nasirabad****District : Ajmer****State : Rajasthan**

Name of Village	Khasara No.	Area		
		Hectare	Acre	Sq.mtr.
1	2	3	4	5
Bhawanikheda	1707	0	11	00
	1706	0	07	00
	1699	0	03	20
	1615	0	03	00

[No. R-25011/2/2004-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 4 अक्टूबर, 2004

का.आ. 2521.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 465, तारीख 23 फरवरी, 2004 द्वारा राजस्थान राज्य में कोयली - सिद्धपुर - सांगानेर से अजमेर तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पेट्रोलियम उत्पाद के परिवहन के लिए पाइपलाइन बिछाई जाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य के अजमेर जिल्ला में तहसील अजमेर की भूमि में उपयोग का अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ साधारण जनता को तारीख 15 मार्च, 2004 को उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में सक्षम प्राधिकारी को जनता से 10 आक्षेप प्राप्त हुये हैं।

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पाइपलाइन बिछाने के संबंध में उपयोग का अधिकार इस घोषणा के प्रकाशन के तारीख को केन्द्रीय सरकार में निहित होने के बजाए सभी विस्तरागमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : अजमेर

जिला : अजमेर

राज्य : राजस्थान

गौब का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
ककलाना	1437/1	0	00	20
	1439	0	08	80
	1440/2	0	03	20
	1426	0	03	80
	1429	0	05	80
	1418	0	00	20
	1433	0	04	60
	1432	0	12	00
	1431	0	01	00
	1415	0	00	20
	1377	0	00	20
	1376	0	00	40
	1373	0	00	40
	1372	0	00	20
	707	0	06	00
	704	0	06	40
	706	0	00	40
	703	0	08	40
	661	0	01	00
	660	0	10	00
	659	0	08	00
	657	0	15	60
	664	0	04	40
	665	0	00	20
	656	0	03	00
	654	0	02	00
	854/1602	0	06	00
	648	0	04	60

1	2	3	4	5
	646	0	08	80
	647/1	0	01	20
	645	0	06	80
	640/1	0	03	60
	640/2	0	00	40
	638	0	09	20
तबीजी	3578	0	32	00
	3575	0	08	60
	3574	0	12	60
	3554	0	26	20
	3555	0	11	40
	3541	0	03	60
	3540	0	08	40
	3544	0	00	60
	3545	0	06	60
	3537	0	00	60
	3536	0	13	60
	3549	0	08	80
	3550	0	04	60
	3530	0	07	00
	3507	0	05	40
	3511	0	07	80
	3504	0	00	60
	3512	0	07	60
	3503	0	00	20
	3502	0	13	00
	3485	0	09	20
	3489	0	13	40
	3488	0	09	00
	3477	0	00	80
	3478	0	12	40
	3476	0	02	00
	3468	0	13	20
	3467	0	01	60

1	2	3	4	5
	3462	0	05	40
	3461	0	10	40
	3457	0	01	80
	3480	0	04	80
	3427	0	02	80
	3430	0	01	20
	3431	0	03	20
	3435	0	04	20
	3436	0	09	40
	3441	0	10	60
	3406	0	04	00
	3408	0	10	00
	3410	0	01	40
	3387	0	03	60
	3388	0	26	80
	3343	0	02	80
	1967	0	09	00
	1966	0	05	80
	1964	0	05	00
	1963	0	07	80
	1969	0	00	60
	1970	0	11	00
	1972	0	02	80
	1974	0	04	60
	1973	0	11	20
	2005	0	00	20
	2009	0	00	20
	2008	0	12	40
	2007	0	02	20
	2015	0	05	80
	2014	0	00	40
	2016	0	10	20
	2017	0	01	00
	2018	0	11	60

1	2	3	4	5
	2019	0	04	60
	2633	0	09	00
	2634	0	05	80
	2637	0	07	80
	2639	0	17	60
	2690	0	16	60
	2688	0	19	40
	3048	0	00	60
	3049	0	18	40
	3050	0	00	20
	3040	0	03	80
	3039	0	02	20
	3038	0	04	00
	3036	0	04	60
	3035	0	07	40
	3033	0	15	00
	3034	0	00	20
	2965	0	20	80
	2962	0	01	00
	2967	0	08	20
	2968	0	11	20
	2969	0	02	20
	2970	0	00	20
	2937	0	01	00
	2936	0	10	40
	2930	0	10	00
	2931	0	00	80
	2925	0	01	80
	2929	0	00	60
	2927	0	00	20
	2924	0	08	80
	2923	0	02	40
	2919	0	09	00
	2915	0	12	00

1	2	3	4	5
दौराई	710	0	05	40
	711	0	06	80
	712	0	04	00
	720	0	05	20
	719	0	00	20
	721	0	05	60
	722	0	08	00
	723	0	04	00
	709	0	00	20
	620	0	05	60
	621	0	00	20
	622	0	10	80
	628	0	01	20
	629	0	03	80
	631	0	05	60
	630	0	12	20
	638	0	12	80
	639	0	06	40
	682	0	00	20
	684	0	04	40
	685	0	19	20
	1187	0	08	60
	188 मिन	0	06	40
	1182	0	23	60
	1181	0	07	20
	1171	0	05	00
	1172	0	00	20
	1170	0	04	80
	1655	0	02	20
	1651	0	06	60
	1650	0	02	40
	1652	0	03	60
	1648	0	10	80
	1649	0	00	20

1	2	3	4	5
	1647	0	00	20
	1641	0	01	20
	1640	0	01	00
	1639	0	01	00
	1638	0	04	80
	1635	0	03	80
	1634	0	03	60
	1630	0	00	20
	1631	0	03	60
	1618	0	00	60
	1617	0	02	60
	1538	0	01	40
	1540	0	17	00
	1541	0	15	20
	1544	0	13	00
	1545	0	01	00
	1543	0	01	40
	1546	0	02	00
	1507	0	00	40
	1508	0	03	40

[फ़. सं. आर-25011/2/2004-ओ.आर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 4th October, 2004

S. O. 2521.— Whereas by the notification of the Government of India, in the Ministry of Petroleum and Natural Gas No. S.O. 465, dated 23rd February, 2004 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in Tehsil : Ajmer, District : Ajmer in Rajasthan State, specified in the schedule appended to that notification, for the purpose of laying Pipeline for the transportation of Petroleum Product from Koyali - Sidhpur - Sanganer to Ajmer in the State of Rajasthan by the Indian Oil Corporation Limited ;

And whereas, copies of the said gazette notification were made available to the general public on dated 15th March, 2004;

And whereas, 10 objections have been received by the Competent Authority from the public regarding the laying of the pipeline.

And whereas, the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report and on being satisfied that said land is required for laying pipeline has decided to acquire the right of user their in.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline.

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances.

SCHEDULE

Tehsil : Almer

District : Ajmer

State : Rajasthan

Name of Village	Khasara No.	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
Kaklana	1437/1	0	00	20
	1439	0	08	80
	1440/2	0	03	20
	1426	0	03	80
	1429	0	05	80
	1418	0	00	20
	1433	0	04	60
	1432	0	12	00
	1431	0	01	00
	1415	0	00	20
	1377	0	00	20
	1376	0	00	40
	1373	0	00	40

1	2	3	4	5
	1372	0	00	20
	707	0	06	00
	704	0	06	40
	706	0	00	40
	703	0	08	40
	661	0	01	00
	660	0	10	00
	659	0	08	00
	657	0	15	60
	664	0	04	40
	665	0	00	20
	656	0	03	00
	654	0	02	00
	654/1602	0	06	00
	648	0	04	60
	646	0	08	80
	647/1	0	01	20
	645	0	06	80
	640/1	0	03	60
	640/2	0	00	40
	638	0	09	20
Tabiji	3578	0	32	00
	3575	0	08	60
	3574	0	12	60
	3554	0	26	20
	3555	0	11	40
	3541	0	03	60
	3540	0	08	40
	3544	0	00	60
	3545	0	06	60
	3537	0	00	60
	3536	0	13	60
	3549	0	08	80
	3550	0	04	60
	3530	0	07	00

1	2	3	4	5
	3507	0	05	40
	3511	0	07	80
	3504	0	00	60
	3512	0	07	60
	3503	0	00	20
	3502	0	13	00
	3485	0	09	20
	3489	0	13	40
	3488	0	09	00
	3477	0	00	80
	3478	0	12	40
	3476	0	02	00
	3468	0	13	20
	3467	0	01	60
	3462	0	05	40
	3461	0	10	40
	3457	0	01	80
	3480	0	04	80
	3427	0	02	80
	3430	0	01	20
	3431	0	03	20
	3435	0	04	20
	3436	0	09	40
	3441	0	10	60
	3406	0	04	00
	3408	0	10	00
	3410	0	01	40
	3387	0	03	60
	3388	0	26	80
	3343	0	02	80
	1967	0	09	00
	1966	0	05	80
	1964	0	05	00
	1963	0	07	80

1	2	3	4	5
	1969	0	00	60
	1970	0	11	00
	1972	0	02	80
	1974	0	04	60
	1973	0	11	20
	2005	0	00	20
	2009	0	00	20
	2008	0	12	40
	2007	0	02	20
	2015	0	05	80
	2014	0	00	40
	2016	0	10	20
	2017	0	01	00
	2018	0	11	60
	2019	0	04	60
	2633	0	09	00
	2634	0	05	80
	2637	0	07	80
	2639	0	17	60
	2690	0	16	60
	2688	0	19	40
	3048	0	00	60
	3049	0	18	40
	3050	0	00	20
	3040	0	03	80
	3039	0	02	20
	3038	0	04	00
	3036	0	04	60
	3035	0	07	40
	3033	0	15	00
	3034	0	00	20
	2965	0	20	80
	2962	0	01	00
	2967	0	08	20
	2968	0	11	20

1	2	3	4	5
	2969	0	02	20
	2970	0	00	20
	2937	0	01	00
	2936	0	10	40
	2930	0	10	00
	2931	0	00	80
	2925	0	01	80
	2929	0	00	60
	2927	0	00	20
	2924	0	08	80
	2923	0	02	40
	2919	0	09	00
	2915	0	12	00
Dourai	710	0	05	40
	711	0	06	80
	712	0	04	00
	720	0	05	20
	719	0	00	20
	721	0	05	60
	722	0	08	00
	723	0	04	00
	709	0	00	20
	620	0	05	60
	621	0	00	20
	622	0	10	80
	628	0	01	20
	629	0	03	80
	631	0	05	60
	630	0	12	20
	638	0	12	80
	639	0	06	40
	682	0	00	20
	684	0	04	40
	685	0	19	20
	1187	0	08	60

1	2	3	4	5
	1188 Min	0	06	40
	1182	0	23	60
	1181	0	07	20
	1171	0	05	00
	1172	0	00	20
	1170	0	04	80
	1655	0	02	20
	1651	0	06	60
	1650	0	02	40
	1652	0	03	60
	1648	0	10	80
	1649	0	00	20
	1647	0	00	20
	1641	0	01	20
	1640	0	01	00
	1639	0	01	00
	1638	0	04	80
	1635	0	03	80
	1634	0	03	60
	1630	0	00	20
	1631	0	03	60
	1618	0	00	60
	1617	0	02	60
	1538	0	01	40
	1540	0	17	00
	1541	0	15	20
	1544	0	13	00
	1545	0	01	00
	1543	0	01	40
	1546	0	02	00
	1507	0	00	40
	1508	0	03	40

[No. R-25011/2/2004-O.R.-I]
 RENUKA KUMAR, Under Secy.

अवकाश मंत्रालय

नई दिल्ली, 8 सितम्बर, 2004

का. आ. 2522.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. एस. एन. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1 मुम्बई के पंचाट (संदर्भ संख्या कम्प्लेंट नं. सी.जी.आई.टी - 6/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-2004 को प्राप्त हुआ था।

[सं. एल-40025/21/2004-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 8th September, 2004

S.O. 2522.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. Complaint No. CGIT 6/2004) of the Central Government Industrial Tribunal/Labour Court, No. 1, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BSNL and their workman, which was received by the Central Government on 8-9-2004.

[No. L-40025/21/2004-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 AT
MUMBAI**

COMPLAINT NO. CGIT-6 OF 2004

(Arising out of Ref. No. CGIT-22 of 2003)

PARTIES:

Mrs. Ghelot ...Complainant

V/s.

BSNL, Kalyan ...Respondent

APPEARANCES:

For the Complainant : Shri Ameta, Advocate

For the Respondent : Shri Mishra, Advocate

Mumbai, dated the 23rd August, 2004

AWARD

1. This is a complaint under Section 33-A of the Industrial Disputes Act, 1947 (the Act for short) filed on 08-7-2004 by the complainant for interlocutory order to

allow her to perform her duty without any changes in the service conditions in the BSNL (the Company for short).

2. The learned counsel for the Company has filed a their reply on 20-8-2004 and also filed a further say. It states that the complainant agree to report for the work and the Company agreed to allow the Complainant to work.

3. In view of the aforesaid subsequent development the complaint dated 6th July, 2004 does not survive for consideration. Complaint is dismissed.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2004

का.आ. 2523.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 194/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-2004 को प्राप्त हुआ था।

[सं. एल-40025/23/2004-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 10th September, 2004

S. O. 2523.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 194/2001) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom. and their workman, which was received by the Central Government on 10-09-2004.

[No. L-40025/23/2004-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

PRESENT:

Shri E. Ismail, B. Sc. LLB., Presiding Officer

Dated the 29th day of July, 2004

INDUSTRIAL DISPUTE L. C. I. D. NO. 194/2001

(Old I. D. No. 67/2000 Transferred from Labour Court-III
Hyderabad)

BETWEEN:

Sri K. Raju,
S/o Mahabubji
R/o H. No. 4-1116/4
Ramaiah Bowli,
Mahaboobnagar.

... Petitioner

AND

The Sub-Divisional Officer,
Telecom,

Mahaboobnagar.

... Respondents

APPEARANCES:

For the Petitioner : Sri K. Ravinder Goud, Advocate

For the Respondent : Sri R. S. Murthy, Advocate

AWARD

This is a case taken under Sec. 2 A (2) of the I. D. Act, 1947 by the Labour Court-III, Hyderabad in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.D. No. 67/2000 and renumbered in this Court as L.C.I.D. No. 194/2001.

2. The brief facts as mentioned in the petition are : That the Petitioner was appointed on 1-12-82 as casual mazdoor and worked continuously till 30-9-84 and his services were terminated by oral order dated 1-10-84 by the Respondent herein. The said order was unjust, illegal and liable to be set aside by virtue of the said order. The Petitioner became unemployed in spite of several oral and written requests, nothing was done. Hence, he raised a dispute before the ALC(C) for conciliation.

3. A counter was filed stating that the Petitioner was never engaged in the Department as casual/contingent labour, but purely on work basis, depending on the availability of work and he was paid contingent daily wages. He was engaged in the Department as follows :

Sl. No.	From	To	No. of days worked by the Petitioner
1.	1-11-83	30-11-83	30
2.	1-12-83	31-12-83	31
3.	1-1-84	31-1-84	31
4.	1-2-84	29-2-84	29
5.	1-7-84	31-7-84	31
6.	1-8-84	31-8-84	31
7.	1-9-84	30-9-84	30
Total working Days :			213

The Petitioner was neither appointed nor terminated from the services. That the Petitioner earlier moved for conciliation before the ALC(C), the conciliation ended in failure. His case was forwarded to the Secretary, Ministry of Labour and Employment and the Ministry has refused to refer the dispute for adjudication. Hence, the Petitioner is not entitled for any relief.

4. The Petitioner examined himself as WW1 and deposed that he joined the Department on 1-12-82. He was not given any appointment order. He worked upto 30-9-84, on which date the Respondent asked him not to come to work from 1-10-84. After the termination of his services some of his juniors were appointed in his place namely S/Sri T. Veera Swamy, A. Madhavaiah, E. Laxma Reddy, Thirupathaiah Goud, K. Gopal. He approached on 2-2-99 the ALC(C), Hyderabad by way of representation vide Ex. W1. The conciliation officer closed the conciliation on 25-6-99 and sent failure report to the Government of India. Minutes of conciliation is Ex. W2. Ex. W3 is corrigendum to failure report. Ex. W4 is failure report. Hence, he may be reinstated.

5. He was cross examined. He denied that he did not seek the work and there are subsequent engagement of casual labour and now there is no work of casual labour.

6. The Respondent filed an affidavit of deposition by Sri P. Krishnaiah, Sub-Divisional Officer, Telecom, Mahaboobnagar. He deposed that the engagement of Petitioner from 1-12-82 to 30-9-82 cannot be verified as the records for the said period has been weeded out by efflux of time as per retention schedules stipulated. Hence, the Petitioner is not entitled for any relief. In the cross examination he says that as there is no record available he cannot assert or deny the engagement of the Petitioner.

7. It is argued by the Learned Counsel for the Petitioner that the MW1 himself has stated that he cannot assert or deny the engagement of the Petitioner. Therefore, it may be safely concluded that the Petitioner has worked for more than 240 days. Hence, he may be reinstated with back wages.

8. The Respondent's Counsel submits that even the Government of India refused to refer the matter as it is belated and raised in 1999 after a lapse of 17 years. Therefore, he submits that the petition may be dismissed.

9. It may be seen that no doubt as no records are available and even if it is presumed that the Petitioner worked from 1-12-82 to 30-9-84 still he has approached in 1999 to the ALC(C) and the Government of India, Ministry of Labour and Employment has refused to refer the matter. It may be noted that no doubt Industrial Disputes Act does not provide any limitation, but it does not mean that

one can keep quite for 15 long years and after perhaps working some where else or engaging himself in other profession can approach this Court as a chance litigation. Merely, because this Court is bound to take the petitions under Sec. 2 A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others. Hence, I am of the opinion that the Petitioner is not entitled to any relief except that whenever in future if any casual labour is engaged the Petitioner may be given preference taking his date of entry into service as 1-12-82 and his age as on 1-11-80.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, personal Assistant transcribed by her corrected and pronounced by me on this the 29th day of July, 2004.

E. ISMAIL, Presiding officer

Appendix of evidence

Witnesses examined for the Petitioner : Witnesses examined for the Respondent :

WW1 : Sri V. Prabhakar Rao MW1 : Sri P. Krishnaiah

Documents marked for the Petitioner

Ex. W1 : Copy of representation to ALC(C) dt. 2-2-99
Ex. W2 : Copy of minutes of conciliation
Ex. W3 : Copy of corrigendum to failure report

Documents marked for the Respondent

NIL

नई दिल्ली, 10 सितम्बर, 2004

का. आ. 2524.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 68/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-2004 को प्राप्त हुआ था।

[सं. एल-42011/23/97-आईआर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2524.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 68/98) of the Central Government Industrial Tribunal/Labour

Court, No. H, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 10-9-2004.

[No. L-42011/23/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II
NEW DELHI

PRESIDING OFFICER : Shri R. N. RAI,

ID No. 68/98

IN THE MATTER OF :—

THE CPWD KARAMCHARI UNION

VERSUS

CPWD

AWARD

The Ministry of Labour by its letter No. L-42011/23/97-IR(DU) Central Government dt. 23-02-1998 had referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of C.P.W.D Superintending Engineer (Electrical), Coordination Circle (Electrical), New Delhi in not regularising the services of employees as at Annex A from date of their initial appointment and not granting them equal pay for equal work and similar terms and conditions of employment as applicable to regular workmen is legal and justified ? if not, what relief the concerned workmen are entitled to ?”

The Union has filed statement of claim on behalf of the workmen. In the statement of claim, it has been stated that 24 workmen joined the services of the management on the date as mentioned against each in the statement 'Annexure A' appended to the Notification in Column 7 of the Statement as clearly mentioned therein. That the oldest workman who joined the management w.e.f. 15-08-1978 and the latest to join is 01-08-1987 which is after 9 years exactly. That the fact that the said workmen are still working shows that there are vacancies in the departments of the management without which they

cannot continue for such long years that too continuously without break. It is now 20 years since the first or the oldest workmen joined and it is now 11 years since the last or the latest workmen joined the management. That it also establishes that the work in which they have been engaged is of permanent nature and there is no doubt about it that it is not continuing further. In other words the work exists, it requires men to man it. Otherwise the management would not have continued the workmen in the posts for the last over 20 years or so. That when the work is there and that they are manned by the workmen since such an unusually long time, it is not understood as to why they, the workmen should not be regularised from the date of their appointment or in other words taken on a permanent basis right from the beginning.

That it is unfortunate that of the 24 workers shown in the statement 'A', 22 have been regularised already while only two have yet been regularised so far. The two workmen who have not yet been regularised are S. No. 1 Shri Mohan Lal and S. No. 3 Shri Rajendra Singh. That though as per the statement S. No. 2 is also shown as not regularised, the correct position is that he has since been regularised on 10-02-1997. Thus only two workmen have not yet been regularised, which is an invidious discrimination offending Articles 14, 16, 19 etc. of the Constitution. Thus it may be seen that the dispute is respect of S. No. 1 and 3 is for regularisation while in respect of S. No. 2 and 4 to 24 is for regularisation from the date of their initial appointment. That elaborate instructions exist in the CPWD about the period upto which one can be kept on muster roll or without regularisation etc. The period is one year and all those who are employed for more than one year should be taken on work charged. Instructions further exists on which type of work these muster roll employees should be employed. In fact the CPWD requires a certificate to the effect that no worker was appointed/kept in employment in contravention of the above instructions. In cases of contravention, the sanction of the Superintending Engineer/Chief Engineer should be obtained, that too in writing.

That the workmen who are not regularised and taken on permanent basis stand to lose lots and lots of privileges which the permanent workmen enjoy or entitled to. Basically they do not even get a scale of pay. They are kept on the minimum of the time scale of pay paid D.A., etc. on that minimum for years together while their counterparts in regular establishment enjoy the privileges continuously. The irony is that there is absolutely no difference in the nature, quality and quantity of work performed by both. In the directive principles of the Constitution there should be no difference in employment, payment of wages, differentiation of sex etc., "Equal Pay for Equal Work" is the maxim. This is fluted with impunity by C.P.W.D.

Added to this is the wide scale unemployment problem, the workmen do not venture to open their mouth lest they should lose even these jobs. In view of such silent and large scale suffering of the workmen the Karamchari Union, a registered Trade Union under the Trade Union Act, raised an Industrial Dispute before the Regional Labour Commissioner (Central) New Delhi seeking regularisation and payment of equal remuneration for equal amount of work. It was in October 1996.

That the Central Industrial Machinery tried their best to make the management see reasons, but they could not succeed because of the unhelpful and rigid stand of the management. The Assistant Labour Commissioner (Central) who held conciliation proceedings in the dispute under the Industrial Disputes Act, 1947 reported failure of conciliation to the Appropriate Government who in turn have referred the dispute to this Hon'ble Tribunal as stated in the beginning of this claim statement. That this is collective dispute raised by the representative Union on behalf of the 24 workmen who are it's members. They are workmen under the I.D. Act 1947 and the CPWD is an Industry within the meaning of the said Act, namely I.D. Act of 1947. The management has filed written statement. In the written statement Parawise comments have been submitted :—

Para—1 Matter of record.

Para—2 The action of the management not to regularize the services of daily rated workers since the date of their engagement as daily rated workers is correct and justified because the daily rated workers are regularised only after the posts are created and sanctioned and allotted and made available for the purpose of regularisation. The ban on direct recruitment imposed on 19-11-1985 has also not been lifted as yet (Annexure-I). All the daily wages workers are being paid basic plus admissible allowances at par with their fellow regular employees. Hence at present the applicants are not entitled for any relief. It is however submitted that all the daily wage workers engaged prior to the imposition of ban i.e. 19-11-1985 have since been regularised in accordance with the recruitment rules.

Para—3 Needs no reply.

Para—4 Matter of record and needs no reply.

Para—5 Matter of record and needs no reply.

Para—6 Needs no reply.

Para—7 The casual workers are engaged on purely temporary basis against a purely temporary

nature of work and their wages charged to that particular work against the specific name of work, until the posts are created and allotted for regularisation. No casual worker can therefore be considered for regularisation which falls under direct recruitment upon which the ban has been imposed by the Govt.

Para—8 The work may of course be there to be carried out on purely temporary basis but in the event of non availability of sanctioned posts and ban on direct recruitment the daily rated worker so engaged on purely temporary basis to carry out a particular work can not be regularised unless the posts are sanctioned and allotted for regularisation.

Para—9 Out of the 24 listed daily wage workers 22 daily wage workers who are engaged before the imposition of ban and others belonging to S/C, S/T, OBC to fill up the respective backlog have already been regularised. In respect of two workers who could not be regularised the comments are as under Sh. Mohan Lal (Sl. No. 1) S/o Sh. Dharam Singh was engaged as a casual worker since 1-8-1987. Because of the prevailing imposition of ban on direct recruitment since 19-11-1985 vide No. 38/11/84-EC. X dt. 19-11-1985 he can not be regularised as on date as he was engaged after 19-11-1985. While the casual worker Sh. Rajinder Singh (Sl. No. 3) working on temporary basis has not qualified the Departmental trade test for regularisation, as yet, which is mandatory as per the recruitment rules.

Para—10 The contents of the para are denied. No such instructions have been issued and received in this office.

Para—11 Temporary status has already been conferred to such casual workers vide Govt. order No. 51016/2/90-Estt© dt. 10/09/93 (Annexure-II) and such workers are being given the benefits accordingly. As regards equal pay for equal work, all such workers are being paid equal pay and allowances as admissible to their counter parts of the same grade.

Para—12 Needs no reply.

Para—13 Needs no reply.

Para—14 This office does not know whether the 24 enlisted workmen are the members of this particular Union or not and since what time also.

It is, therefore, prayed that in view of the above stated facts, the application of the workmen to be regularised since the date of inductment as casual workers "without the sanction" and allotment of posts and the prevailing ban imposed on direct recruitment by the Govt. is devoid of any merit and be therefore dismissed with cost.

Most of the paragraphs of statement of claim have been denied but it has been admitted that the workmen are working in the CPWD and they have been engaged as casual labour from 1978 to 1987.

Rejoinder has been filed from the side of the Union and the averments of statement of claim have been reiterated in the rejoinder.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the Union that it is admitted to the management that Mohan Lal has been working since 1-8-1987 and Sh. Satya Parkash has been working since 19-6-1985 and Sh. Raj Kumar has been working since 30-11-1984. It has been admitted by the management as a list all the 38 employees has been annexed with the record. The present case is about regularisation of Sl. Nos. 1 and 3 Satya Prakash and Sh. Raj Kumar and regularisation of the remaining 22 employees from the date of their initial engagement. It was admitted by the management that 22 workmen have already been regularised and the other two workmen, namely, Sh. Mohan Lal and Sh. Rajinder Singh could not be regularised as there was a circular dt. 19-11-85 that the remaining workmen will be regularised when posts are sanctioned. As such, admittedly the two workmen Sh. Rajinder Singh and Sh. Mohan Lal have not been regularised as no post was vacant. Sh. Mohan Lal was appointed on 1-8-87 and Sh. Rajinder Singh was also appointed after the date of the circular letter. The management admitted that Mohan Lal can't be regularised as he joined in 1987 after the date of the circular and the post have not been sanctioned so far. But the other workman can be regularised as he is not covered by the circular dt. 19-11-85. It was also submitted by the management that Mohan Lal has not passed the trade test. Rajinder Singh has passed the trade test but there is no post vacant so he could not be regularised. At present Sh. Mohan Lal and Sh. Rajinder Singh are to be regularised. Sh. Rajinder Singh was appointed after the date of circular i.e. 6-12-85 and Sh. Mohan Lal was also appointed from 1-8-87 where as the circular letter is of 19-11-85. These two could not be regularised after the ban date i.e. 19-11-85. The substantial question is whether the two workmen could not be regularised in view of circular letter dt. 19-11-85. It is explicit that Sh. Mohan Lal is working since 1-8-87 and Sh. Rajinder

Singh joined after 19-11-85. From the perusal of the circular letter dt. 19-11-85 that the vacancies that are existing may be filled up by regularisation of eligible muster-roll workers after proper screening since the vacancies were not available and the post was not created so these workmen have not been regularised till then and the executive engineer was directed to furnish certificate to the effect that no workman was appointed or kept in employment in contravention of the order dt. 30-1-1969. The two workmen have been engaged prior to 1987 and at present they have been working for long 17 years and they have not been regularised till today. The substantial question is whether circular dt. 19-11-85 can prevent the workman from being regularised and can over-ride the law laid down by the Hon'ble Supreme Court. It was submitted from the side of the Union that the action of the management is quite illegal and they are indulging in unfair labour practices. In case the posts were not available they should not have engaged the workmen. The workmen are the tradesmen just as carpenter and the electrician and the management has been taking work from them for more than 17 years. Such practices amount to unfair labour practice by the management. If there is requirement of an employee, the management should have sanctioned the post and thereafter the workmen should have been engaged. There is no question of sanction of the post or otherwise for regularisation, in case the workmen are working for long 17 years and they should be regularised from the date of their initial engagement.

It was also submitted from the side of the workmen that it has become the tendency of the several departments of the Government to engage workmen and not to regularise the workmen till their superannuation and to avoid regularisation contract, workers are being engaged. The contract workers are paid only 2/3 of the emoluments given by the management and 1/3 is pocketed by the contractor. Such practices really are absolutely unfair labour practices and the contractors have become the parasite of the society i.e. they are maintaining their subsistence on the labour of the workmen whom they have enrolled. Since contract labour matter is not under reference as such no opinion can be given regarding the same but there is substance in the argument of the Union. It was submitted from the side of the Union that the Apex Court in *Bhagwati Devi Vs. U.O.I.* AIR 1990 SC 371 has held as under :—

“Practical experience would always aid the person to effectively discharge the duties and is a sure guide to assess the suitability. The initial minimum educational qualification prescribed for the different posts is undoubtedly a factor to be reckoned with, but it is so at the time of the initial entry into the service. Once the appointments of petitioners were made as daily rated workers and they were allowed

to work for a considerable length of time, it would be hard and harsh to deny them the confirmation in the respective post on the ground that they lack the prescribed educational qualifications. It can be said that three months experience, ignoring artificial break in service for short period/periods created by the management, in the circumstances, would be sufficient for confirmation. If there is a gap of more than three months between the period of termination and re-appointment that period may be excluded in the computation of the three months period. Therefore, the petitioners are entitled to equal pay at par with the persons appointed on regular basis to the similar post or discharge similar duties, and are entitled to the scale of pay and all allowances revised from time to time for the said posts.”

My attention was drawn to the case of *Jaipal and Others Vs. State of Haryana and Others* AIR 1988 SC 1505 as under :—

“Article 39(d) contained in Part IV of the Constitution ordains the State to direct its policy towards securing equal pay for equal work for both men and women. Though Art. 39 is included in the Chapter of Directive Principle of State Policy, but it is fundamental in nature. The purpose of the article is to fix certain social and economic goals for avoiding any discrimination amongst the people doing similar work in matters relating to pay. The doctrine of equal pay for equal work has been implemented by this Court in *Randhir Singh Vs. Union of India*, (1982) 3 SCR 298; (AIR 1982 SC 879), *Dhiren Chamoli Vs. State of U.P.* (1986) 1 SCC 637 and *Surinder Singh Vs. Engineer-in-Chief, C.P.W.D.*, (1986) 1 SCC 639; (AIR 1986 SC 584). In view of these authorities it is too late in the day to disregard the doctrine of equal pay for equal work on the ground of one employment being temporary and the other being permanent in nature. A temporary or casual employee performing the same duties and functions is entitled to the same pay as paid to a permanent employee.”

It was further submitted that the workmen should be regularised after completion of one year service. They are working to the post of their ability and capacity, as such their pension and gratuity are affected in case they are not regularised from the initial date of their engagement. This practice is unfair, unjust, harsh and unlawful for the workers of the low category and it is contrary to the very object cherished in the very preamble to the Constitution. The petitioners are entitled for parity in their pay and allowance at par with their regular counterparts w.e.f. the date of their initial appointment and consequently the arrears in this regard should be paid to

them and the provisions of the Constitution of part 3 and 4 should not be violated.

My attention was also drawn to AIR 1986 Supreme Court 584. The Hon'ble Apex Court has held that "the persons employed on a daily-wage basis in the Central Public Works Department are entitled not only to daily wages but are entitled to the same wages as other permanent employees in the department employed to do the identical work. In this connection, it cannot be said that the doctrine of "equal pay for equal work" is a mere abstract doctrine and that it is not capable of being enforced in a court of law. The Central Government the State Governments and likewise, all public sector undertakings are expected to function like model and enlightened employers and arguments that the principle of equal pay for equal work is an abstract doctrine which cannot be enforced in a court of law should ill-come from the mouths of the State and State Undertakings."

According to this verdict of the Hon'ble Supreme Court even the daily wages workmen should be made equal payment as are paid to similarly employed employees. It implies that the workmen should be regularised from their initial date of engagement only then the direction of the Hon'ble Apex Court as extracted above can be implemented. The directions of the Hon'ble APEX Court are to be followed by the union and the State Governments otherwise an anarchy will prevail. Despite, law laid down in the several cases, the employees have not been regularised that amounts to contempt of the Hon'ble Supreme Court.

My attention was drawn to JT 1992 (5) SC 179 State of Haryana and others etc. The Hon'ble APEX Court has held that ad hoc or temporary employees in class-III and IV services in Punjab and Haryana should be replaced by regularly selected employees as early as possible. The Hon'ble Supreme Court has laid down these guidelines regarding the Government employees and to prevent unfair labour practice to keep employees without considering their merits and to make them permanent later on. In such a way, the competent candidates are deprived of the opportunities and the Government gives appointment on temporary and ad hoc basis and thereafter they are regularised but this case law is not applicable in the present facts and circumstances of the case. The Hon'ble APEX Court has laid down in this judgement that employees should be selected regularly as early as possible. In the present case, the workmen are working since 1981 and they have not been regularised till today. As such, the above judgement of the Hon'ble APEX Court has given the guidelines to fill up the posts as soon as possible by regularising selected employees so that the competent candidate may not be deprived of their rights and the

vacancy should also be created as soon as possible. The candidate should not be taken from the back door and they should not be regularised. In the present case, the candidates have not been taken from the back door and their cases have not been considered for regularisation from 17 to 25 years. As such, the judgement referred to above is not applicable in the facts and circumstances of this case. In this case, the employees have been engaged and work is being taken, they are class-IV employees and they have been working from the date of their initial engagement. As such, Surinder Singh's case referred to above is applicable to all intents and purposes. Admittedly, 22 workmen have been working from 1981 to 1985 and the other two are working just after 1985. As such, the two workers have been working for 17 to 19 years and the rest of the workers are working from 19 to 25 years. Some of them were at the verge of their superannuation and they are not getting benefits as has been directed by the Hon'ble APEX Court. In Surinder Singh's case, it has been specifically laid down that equal pay should be given for equal work. It implies that the workmen are to be given the emoluments from the initial date of their engagement. Only then it can be deemed that they are getting payment of the permanent employees in the department employed to do the identical work. In view of this decision of the Hon'ble APEX Court, the workmen Mohan Lal and Rajinder Singh are to be regularised from the initial date of their engagement and the rest 22 workers should also be regularised from the initial date of their engagement and they should get the entire benefits as of permanent employees of the department from the date of their initial service.

The reference is replied thus :—

The action of the management of C.P.W.D. Superintending Engineer (Electrical), Coordination Circle (Electrical), New Delhi in not regularising the services of employees of Annexure A from date of their initial appointment and not granting them equal pay or equal work on similar terms and conditions of employment as applicable to regular workmen is not legal and justified. The workmen whose names have been mentioned in Annexure A should be regularised in service from their initial date of engagement and they are also entitled to get equal pay of a permanent employee from the date of their initial engagement and all the arrears that have accrued from their initial date of engagement should be paid to them within one month after publication of the award. In case of default, all the 24 workmen referred to above will be entitled to an interest of 6% per annum.

The award is given accordingly.

Dt. 1-9-04

R.N. RAI, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2004

का. आ. 2525.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कलावती सरन चिल्ड्रन हॉस्पिटल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1 नई दिल्ली के पंचाट (संदर्भ संख्या 89/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-2004 को प्राप्त हुआ था।

[सं. एल-42012/78/96-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2525.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 89/97) of the Central Government Industrial Tribunal/Labour Court. No. 1, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kalawati Saran Children Hospital and their workmen, which was received by the Central Government on 10-9-2004.

[No. L-42012/78/96-IR (DU)]

KULDIP RAJ VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NEW DELHI

Presiding Officer : Shri S.S. Bal

I.D. NO. 89/97

In the matter of dispute between :

Shri Khem Chand through
The General Secretary,
Kalawati Hospital Workers Union,
11/88, Panchkuian Road,
Hospital Quarters,
New Delhi.

... Workman

Versus

The Medical Superintendent,
Kalawati Saran Children Hospital,
New Delhi.

... Management

APPEARANCES :

Shri Babu Ram A/R for the workman

Shri Ghanshyam Singh A/R for management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/78/96-IR(DU) dated 20/25-6-97 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Kalawati Saran Children Hospital in denying the promotion to Shri Khem Chand Safaiwala to the post of Head Safaiwala w.e.f. 10-5-95 is just and fair? If not to what relief the concerned workman is entitled to?”

2. Brief facts of this case as gleaned from record are that the claimant has been working in K.S. C. Hospital, New Delhi since 19th of September, 1979 as Safai Karamchari. The Post of Head Safaiwala had fallen vacant. The Department Promotion Committee promoted other employee superseding three senior incumbents including the claimant Shri Khem Chand who lodged a protest that he was entitled to be promoted as he was senior to the individual who have been promoted to the post of Head Safaiwala. The claimant raised the above industrial dispute as the person junior to him were promoted. The claimant filed the statement of his claim and disputed the promotion averring that he should have been promoted to the said post of Head Safaiwala.

3. Management contested the claim of workman by filing written statement claiming that the workman was entitled to be promoted as Head Safaiwala and he has been lawfully superseded. The management raised preliminary objections *inter alia* that claim of the workman is false, frivolous and misconceived, and not maintainable in law on many ground, that the applicant No. 1 has not exhausted available channels (ii) that present dispute is squarely covered by the judgment passed by the Supreme Court of India reported in AIR 1970 S.C. page 1407 titled S.J. Hospital versus K.L. Sethi wherein it was held that Kalawati Saran Children Hospital is not an Industry within the definition of section 2(j) of Industrial Dispute Act and as such the claimant's claim is not maintainable in the eye of law; that the claim is barred by provisions of section 28 Administrative Tribunal Act

1985 as the Administrative Tribunal is the appropriate Forum where the claimant can seek the relief sought for and not the present Industrial Tribunal as it is not so competent. Respondent Hospital is being run by Central Government which is providing medical aid to the citizens of India free of charge and is run for the welfare of public and entire fund is provided by Ministry of Health, Government of India. Hence present claim is not maintainable and is liable to be dismissed.

4. On merits it is stated that a list of 15 eligible candidates including the applicant claimant was prepared. D.P.C. scrutinized the seniority list of 15 eligible safaiwala/wali for promotion to one post of Head Safaiwala/wali. The candidates appearing at Sl. No. 1 to 3(1) Smt. Surjo, (2) Beena and (3) Khem Chand claimant of said list was not found suitable for post of Head Safaiwala/wali by D.P.C. In fact claimant whose name appeared at Sl. No. 3 in the said list was found inefficient for the post in question which is a supervisory post and the person working on the post is to be required to supervise and take attendance of the vast number of people employed in different shifts. This post also involves extraneous duty of checking of workers from time to time and D.P.C. recommended the name of one Smt. Prem Wati appearing in the said list at Sl. No. 4.

5. Written statement was followed by the replication wherein the claimant reiterated the contents of his claim statement and denied the averments and pleas raised in W. S. claiming that he is entitled to be promoted to the post of Head Safaiwala being senior most and competent one among all the candidates.

6. Claimant filed his affidavit in evidence and was cross-examined. On the other hand management evidence was closed vide order dated 17-4-2000. Arguments were addressed by Shri Babu Ram A/R for the workman and Shri Ghanshyam Singh A/R of the management.

7. On behalf of the workman it is not disputed that Kalawati Saran Children Hospital—respondent is a hospital and rendering medical services to the citizens of India free of cost as claimed by the Management. The questions which require determination in this case are whether the respondent is an industry or not within the meaning of Section 2(j)(ii) whether the claim is barred by the provisions of Section 28 of Administrative Tribunal Act and (iii) whether this court has no jurisdiction to adjudicate the present dispute. It is averred in the written statement and affidavit in evidence that respondent hospital is being run by Central

Government and is providing medical aid for the welfare of public without any charges and is entirely funded by Ministry of Health, Government of India and such a Hospital is not an Industry. This fact has not been disputed by the respondent claimant. In the decision reported in AIR 1970 SC 1407 it was held in para 22 as under :

“Hospital run by Government and even by private association not on commercial lines but on charitable lines or as part of the function of Government Department of health cannot be included in the definition of industry. The reason given was that the second part of the definition of Industry contained an extension of the first part by including other items of industry. It was also held that the respondent being the charitable hospital rendering free service to the citizens of India cannot be termed as an Industry within the definition of section 2(j) of the I.D. Act and as such the dispute between its employee and management is not an industrial dispute and as such a dispute itself cannot be adjudicated upon by the Industrial Tribunal.”

8. It has also come in evidence that post of Head Safaiwala is a 100% promotional post and appointment has to be made to the said post from Safaiwala/Safaiwali with three years regular service in grace. A list of 15 eligible candidates were prepared including Shri Khem Chand claimant. D.P.C. Scrutinised Seniority list of 15 eligible Safaiwala/wali for promotion to one post of Head Safaiwala/wali and he was found inefficient by the D.P.C. and recommended the name of Smt. Prem Wati-III appearing at Sl. No. 4 of the said list to be appointed to the post of Head Safaiwali. Thus D.P.C. considered the name of the claimant and found him inefficient for appointment to the said post and this Court/Labour Court/Industrial Tribunal is not competent to sit upon the decision of the D.P.C. Hence the claim of the claimant is also not tenable on merits also.

9. In view of the above discussions I am of the opinion that the claim of the applicant/claimant to promotion to the post of Head Safaiwala preferred by the claimant is not maintainable and the action of the management hospital Kalawati Saran Children Hospital in denying promotion to the workman to the post of Head Safaiwala is just and fair. Reference is answered in the affirmative. Award is given accordingly.

Dated : 30-8-2004

S.S. BAL, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2004

का.आ. 2526.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 101/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-2004 को प्राप्त हुआ था।

[सं० एल-42011/94/95-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2526.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 101/96) of the Central Government Industrial Tribunal/Labour Court No-I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 10-09-2004.

[No. L-42011/94/95-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR-COURT, NEW DELHI

PRESIDING OFFICER : Shri S.S. BAL

L.D. No. 101/96

In the matter of dispute

BETWEEN:

Shri Surender Prasad, Asstt. Wireman,
through Maha Sachiv, C.P.W.D. Mazdoor Union
E-26 (Old Quarters) Raja Bazar,
Baba Kharak Singh Marg, New Delhi. .. Workman

Versus

M/s. Executive Engineer (Elect),
Electrical Division-12,
CPWD, Upstairs Kitab Mehal,
Baba Kharak Singh Marg, New Delhi. .. Management

APPEARANCES:

Shri B.K. Pd. for workman.

Shri Jaswinder Singh for management

AWARD

The Central Government in the Ministry of labour vide its Order No. L-42011/94/95-IR(DU) dated 31-10-96

has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of CPWD Executive Engineer, Electrical Divi.-12, New Delhi, in terminating and thereafter not reinstating Shri Surender Prasad, Asstt. Wireman in service w.e.f. 5-5-89 after his acquittal by Additional Sessions Judge is justified? If not, to what relief the concerned workman is entitled to and from which date?"

2. Brief facts of this case as culled from record are that Surender Pd. was initially engaged on muster roll as Assistant Wireman on 27-1-83 by Executive Engineer Electrical Division-12 CPWD. He was arrested in a criminal case/murder case on 5th of May, '89 under Section 302 read with 34 I.P.C., P.S. Inderpuri, FIR P.S. 82/83 Management terminated his services w.e.f. 5-5-89 without notice, payment of any compensation, notice pay. At the time of his termination he was drawing pay scale @ Rs. 800 plus, DA, CCA, HRA etc. except increments; he was acquitted in the said murder case on 26-7-84 by Mr. M.S. Rohilla A.S.J. Copy of the judgement is annexed as Annexure 'E'. Workman is entitled to reinstatement in view of the policy decisions of the respondent contained in letter dated 27-5-91 that after his acquittal in the said case many persons junior to him were regularised in the scale of Rs. 800-1150. He further avers that the termination of his services by the respondent and not reinstating him w.e.f. 5-5-89 after his acquittal by A.S.J. Delhi is not justified and is illegal. Hence he claims re-instatement w.e.f. 5-5-89 when he was terminated in the pay scale of Rs. 800 alongwith accruing benefits.

3. The claim of the workman has been contested by the respondent-management by filing written statement justifying termination of the workman on the ground that he was only a muster roll employee and he concealed his involvement in the criminal case. He misrepresented the fact about his arrest and falsely stated that he worked upto 5th May, '89. He has suppressed material information from the employer/management of his involvement in the crime/criminal case. Hence vide letter No. 15-2-91-ECX dated 27-5-91 services of the muster roll employees are deemed to have been terminated when the workman absented himself. The workman has in fact misrepresented the facts about his arrest in claim application. He worked upto 4-5-89 and in view of this fact he could not be taken on duty after his absence from muster roll duty as suppressing information of his arrest and concealing the facts from employer amounts to misconduct. He was arrested on 12-5-81 as per evidence discussed above he came on duty on 5-4-89 and slipped away from duty without information. He was marked absent. Hence he is not entitled to be reinstated. It was not permissible under ruled to place him under suspension. He could not be reinstated as per

clarification dated 28-12-94 of Chief Engineer (Elect.) I CPWD as concerned employee was engaged on muster roll as such he was not liable to be reinstated or re-employed after he was once terminated/sacked out. He is not entitled to be automatically reinstated on his acquittal in criminal case as his services came to an end due to his wilful absence.

4. The written statement was followed by rejoinder wherein the workman reinstated the averments made in claim statement and claimed that he is entitled to be taken back on duty on his acquittal and denied the averments made in Reply.

5. I have heard Ld. A/R for both the workmen as well as the management and perused the record meticulously.

6. The management has not disputed the following policy decisions alleged to have been circulated by the Dy. D.M.C. of Administration II CPWD vide letter dated 27-5-91 as mentioned in Para 11 of the claim statement that "the matter was discussed with the representative of the union. The procedure adopted in CPWD is that whenever a muster roll worker/casual labour is arrested on severe criminal charges like murder, theft, rape, etc., and is detained by the police in its custody for more than 48 hours the token of such worker is taken by the Executive Engineer and he is not allowed to work till he is clearly exonerated by the Court. Except where notice is necessary under any statutory obligation no notice is required for termination of services of the muster roll worker/casual labour. Their services will be deemed to have been terminated when they absents themselves on the close of the day. The existing practice should continue till some alternative is decided upon".

7. The perusal of the above policy decision shows that the management appears to have followed the second part of policy decision according to which services of a muster roll workman/casual labour will be deemed to have been terminated when they/he absent or absents themselves on the close of the day. In the instant case as per the facts disclosed by the management in written statement the workman was present on 4-5-89 and thereafter absented himself and he did not attend muster roll duties. He did not inform the management respondent about his arrest and detention by the police in criminal case which according to the management amounted to misconduct. It is apparent that the management ignored the fact that the workman could not attend the duties as he was involved in a murder case and detained in police and judicial custody. The management has not disputed the fact that the workman-claimant was involved in a serious criminal case i.e. murder case and subsequently he was acquitted by the Sessions Court and in view of this fact the policy decision contained in first part, referred to above that the workman will not be allowed to work till he is exonerated by the court will be applicable. It means that the workman when arrested in a serious criminal case i.e.

murder case he cannot be allowed to work. Because of his involvement in such a criminal case the claimant was rightly not allowed to work by the department but the necessary consequence of his acquittal which is implicit in above referred policy decision is that the muster roll worker is entitled to be taken back on work after he is clearly exonerated by the court. The management has not disputed the claim of claimant who was admittedly muster roll worker that he was acquitted in the murder case which fact is also proved on the photo copy of the judgment passed by Shri M.S. Shilla, A.S.J. Ex. WW1/6 placed on record. This fact is further above from the statement placed on record. This fact is further proved from the statement of the claimant Ex. WW1. I am of the view that absence of the claimant due to his involvement in the said murder case is not wilful i.e. intentional or deliberate, but is on account of his involvement and of his detention in police and judicial custody in the said offence of murder case which is a serious criminal case he stands exonerated after his acquittal in said criminal case and is entitled to be taken back on duty or reinstated.

8. In view of the above discussions I am of the opinion that the claimant who was a muster roll worker/casual worker is entitled to be taken on work from the date the approached and requested the department to allow him to join as muster roll worker after his acquittal as per above the said policy decision. Workman is entitled to be reinstated in the pay scale of Rs. 800 with incidental D.A., H.R.A. C.C.A. etc. He be accordingly reinstated/taken back on muster roll duty as casual worker w.e.f. 5th of May '89. Award is accordingly passed.

Dated: 30-8-2004

S. S. BAL, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2004

का.आ. 2527.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधात्मक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 142/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-2004 को प्राप्त हुआ था।

[सं० एल-42011/6/91-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2527.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 142/91) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 10-9-2004.

[No. L-42011/6/91-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case No. ID. 142/91

Received on : 3-10-1991.

Decided on : 31-8-2004

Ashok Kumar & Others C/o Ram Kishan Singh, General
Secretary, Nangal Bhakra Mazdoor Sang, Nangal
Township, Distt. Ropar.

....Claimant

Versus

The Chief Engineer, Bhakra Beas Management Board,
Nangal Township, Distt. Ropar. . . Respondent

APPEARANCES:

For the Workman : Shri R.K. Singh

For the Management: Shri R.C. Sharda.

AWARD

The Govt. of India *vide* its notification No. L-42011/6/91-IRDU, dt. 30-9-91, has referred the following dispute for the adjudication of this Industrial Tribunal:—

“Whether the action of the Chief Engineer, B.B.M.B., Nangal Township in terminating the services of S/Sh. Ashok Kumar, Baldev Singh, Binder Pal and Gurdial Singh w.e.f. 30-9-89, 30-9-89, 31-10-89 and 30-9-89 respectively is justified? If not, to what relief the concerned workmen are entitled?”

2. On the receipt of reference it was registered in the register of this Tribunal and notices were issued to the parties. Sh. R.K. Singh appeared for the workman as their representative whereas the management appeared through their representative. The petitioners filed claim statement on 22-25th May, 1992, whereas the management filed the written statement on 26-11-92. The parties took opportunities to file replication and affidavits. Before the same was filed an application for production of record was made on 30-3-94. The rejoinders were filed on 2-12-94 and on request, time was given for filing the reply and then the file was put up for the consideration of application seeking production of documents. The management produced the seniority list of the workers and in view of that the workers did not press for the consideration of their application dt. 30-3-94. As such the same was dismissed as withdrawn. Four affidavits were filed on 20-1-95 and the case was adjourned for cross-examination of the workmen on 17-2-95.

3. The Court orders further read that petitioners examined Baldev Singh on 17-2-95. The petitioners

requested for striking out the defence of the management, but when representative of the management filed his authority letter, petitioners did not press their application which was dismissed as withdrawn on 5-5-95. The petitioners produced, as their witness, Baldev Singh on 24-11-95, Ashok Kumar on 8-1-96. The management produced Sh. T.R. Aggarwal as their witness on 12-2-96. The petitioners closed their evidence on 8-1-96 whereas the management did so on 12-2-96, after the statement of the management's witness T.R. Aggarwal was recorded.

4. It may be noted here that Baldev Singh, one of the petitioner, made statement, in the court on 17-2-95 whereby he stated that he will not press for the adjudication of the reference and shall for-go his back-wages, besides the claim of seniority, provided them management engages him on a regular appointment as Baildar/Fitter within one month from that date. He further, stated that he will not claim any other relief nor a claim for past service benefits. What happened to his offer is not known so far.

5. In their statements of claim, messrs. Ashok Kumar, Baldev Singh, Binder Pal and Gurdial Singh have jointly put up the claim that they had joined the services, with the management initially in Jan. 1986, Jan. 1987 April 1980, and 1st Jan. 1996 respectively; that their services were terminated in September & October 1989. In case of S/Sh. Ashok Kumar, Baldev Singh and Gurdial Singh on 30-9-89 and in the case of Binder Pal on 31-10-89, which gave cause for the present Industrial Dispute. The conciliation proceedings, before ALC(C), Chandigarh also failed as result of which the matter was referred to the Govt., which on its part, made the present reference, as noted above. It is further alleged that the management maintained the seniority of the petitioner's w.e.f. 1-04-88, but their earlier service was ignored stating that their earlier will not be considered so as to give them the seniority. Thus, the management did not comply with the provisions of Section 25(F) and (G) of the Industrial Dispute Act 1947, hereinafter to be referred as 'Act'. The management further failed in its duty in serving a notice on the petitioners in terms of Section 25(F) sub-section (A), therefore, the action of the management in terminating the service of the petitioner is illegal & void-abinito. They did not pay any retrenchment compensation and for that reason also the terminating of the petitioners, in the light of sub-section B of Section 25(F) of the Act is bad. The petitioners further allege that the management followed the policy of victimization. They retained juniors, recruited new hands, but never gave the option to the petitioners for re-employment and thereby violated Section 25(H) of the Act. The petitioners have claimed that they are entitled for reinstatement, besides to the continuity in service and full back-wages. The petitioners, in support of their claim, have placed on record a photocopy of service record of Sh. Ashok Kumar, one of the petitioners.

6. The management has opposed the petition. In their preliminary objections it is claimed by the management that the petitioners have no existing right nor any such right was apprehended, therefore, the present reference is not maintainable. According, to them the seniority of the workers is being maintained at the divisional level and the same was duly circulated vide No. 30315-450/PD/468-87/A7 dt. 08-08-88. The seniority list was prepared in compliance to the directions of the Himachal Pradesh, High Court passed in Civil Writ Petition No. 27/88, in the case of Ram Piari & others Vs. B.B.M.B. The approach in maintaining the seniority was further upheld by the Himachal Pradesh, High Court in Civil Writ Petition No. 274/1990, in the case of Kishnu Ram & others Vs. B.B.M.B. decided on 19-07-90. According to them even the Hon'ble Supreme Court did not disturb the system of maintaining the seniority list as they did not disturb the judgement of Himachal Pradesh, High Court, delivered on 19-07-90 in the case (Supra). Even the Punjab & Haryana High Court did not disturb the policy on framing the seniority list initiated by instructions dt. 08-07-88.

7. The management has further submitted that the seniority of the workers is being maintained as per the instruction dt. 08-07-88 and the same seniority is being followed in redeployment, in the case of start of new work, on need for fresh labour, except in the case of emergency like floods, breaches in the canal etc.

8. The management has also disputed the case of petitioners on merits. They have not denied the engagement of the petitioners as daily-wagers, but stated that they had worked intermittently in different divisions as per the detail enclosed. They were engaged on special jobs of replacement of steel ropes of gates of Nangal Dam and changing of roller of canal Head Regulator at Lohand. After the completion of the jobs their services were no more required. The management has reiterated that the seniority of the daily rated worker was prepared on divisional level; and that only those worker who had worked continuously for a period of 6 months immediately proceeding 01-04-88 were eligible to be included in the divisional seniority list; that none of the petitioners were qualified to be included in the seniority list; and that as per the record of the management the seniority of petitioners, in the Nangal Dam Division, stood at 2, 1, 3, of fitter trade and No. 1 in the welder trade at the time they were disengaged from service in September/October 1989. They have further claimed that the casual labour is being deployed as per the seniority filed requirement. However, as and when the need is over the casual labour is disengaged, again strictly according to the seniority and after the following of proper procedure, as prescribed by the policy direction.

9. The management has claimed that the petitioners did not complete 240 days in their service, during 12 months

proceeding disengagement, therefore, no notices were issued to them nor any retrenchment compensation was paid to them. They have further claimed that no juniors of petitioners were re-employed by the management nor any pick and choose policy was followed. They have prayed for dismissal of the reference being of no merit.

10. The petitioners filed rejoinder, after the written statement of the respondent, in which they stated that the objections raised by the management are of no worth in the light of adjudication of the various High Courts and Supreme Courts of the India. Also because the reference was made by the Govt. of India, after the due consideration and investigation. They have contested the claim of the management, with the help of Judgement of Punjab & Haryana High Court, passed in CWP No. 6589 of 1988, in the case of Gian Singh Vs. B.B.M.B. and have claimed that the seniority was to be maintained division-wise in one pool. On merit no worthwhile facts were stated and the petitioners have only described the claim of the management, made in the written statement, as incorrect, irrelevant, and liable to be rejected. They reiterated that the petitioners had performed duties continuously for 240 days; therefore, they were entitled for notice or notice pay besides retrenchment compensation, at the time of their retrenchment. They have claimed that the management has retained 1200 workers in, Sept. 1993, who were retrenchment from BCB, whereas the petitioners were not given chance.

11. As stated earlier petitioners filed the affidavits of Baldev Singh, Ashok Kumar, Gurdial Singh and Binder Pal. They also placed on record detail of working days on which the petitioners performed their duties, besides the seniority list. The management tendered the affidavit of one T.R. Aggarwal, SDO and also placed on record on a number of documents including the seniority list, as maintained by them.

12. The petitioners, who appeared as witnesses, made the following statement:

Baldev Singh, in his statement recorded on 24-02-95 admitted the contents of his affidavit Ex. M1 besides that of documents Ex. W2 to W5. When cross-examined by the representative of the respondent, he stated that he does not know whether he had served for 240 days in 12 calendar months. He admitted that the management has prepared seniority list in the year 1988, but he cannot say whether that seniority list was prepared on the directions of the High Court. He also showed his ignorance about the retrenchment and deployment of the workers according to the seniority list. He claimed that he is unemployed since 1989; and that the management had deployed Ram Lal as Fitter for 4 months, after his termination. He categorically claimed un-employment since his retrenchment.

Ashok Kumar, another petitioner, admitted the contents of his affidavit, placed on record, and the same

was exhibited as Ex. W6. In cross-examination he stated that it is wrong to say that he had not worked for 240 days, in one division. He admitted that the seniority list was prepared on the directions of the High Court and stated that he was made to work in various divisions, by the management; that he is married having two children and unemployed.

Sh. T.R. Aggarwal, the witness for the management, in his statement recorded on 12-02-96, admitted the contents of his affidavit and the same was exhibited as Ex. M1. He was thoroughly cross-examined, by the representative of the petitioners. In the cross-examination, he admitted that the service of the petitioners were governed by certified standing orders and admitted that Sh. Binder Pal, one of the petitioner, had worked for 240 days, in one division. He then corrected himself and stated that Binder Pal had worked only for 216 days and showed his lack of knowledge of letter of the personal office of B.B.M.B. dt. 05-01-93, by which the concerned rep. of workmen was informed that the workman has rendered services for 240 days, in a calendar year, before the termination of the services. He denied the employment of one Ram Nath as Fitter/Welder in Nangal Dam Division and admitted that one Bhagwan Dass is working with the management as Fitter, but stated that the said Bhagwan Dass had never worked on daily-wages basis, therefore, his name did not figure in the seniority list. He also could not say whether the said Bhagwan Dass was employed on regular basis. He admitted that no notice was issued to the workers nor they were paid retrenchment compensation. He also denied that the petitioners were illegally retrenched though the vacancies were available.

12. I have heard the representatives of the parties and have also through the record.

13. By this reference the Government of India has desired of this Tribunal to find out whether the action of Chief Engineer, BBMB, Nangal Township, Himachal Pradesh, in terminating the services of S/Sh. Ashok Kumar, Sh. Baldev Singh and Sh. Gurdial Singh w.e.f. 30-09-89 and of Binder Pal w.e.f. 31-10-89 was justified or not. The appropriate Government has further required of this Tribunal to say as to what relief the workmen are entitled to in case the action of the said engineer was not justified.

14. The workman, named above, in their statement of claim alleged that they had joined the services with the Management of BBMB and worked till September and October 1989 as noted in the order of reference when their services were terminated by the management without following the provisions of the Act. They have specifically claimed that the management neither served upon them notice before terminating their services nor they paid the salary in lieu of the notice period. No retrenchment compensation was paid to them. Thus, the termination is

bad in law. It is further claimed, by them, that the management followed the policy of victimization. They retained the juniors of the petitioner's in service, recruited new hands, but they never gave option to the petitioner for re-employment and thus they further violated the provisions of Section 25(H) of the Act.

15. The managements as opposed the claim of the petitioners stating that petitioners are not entitled to any relief since they do not fulfill the requirement of provisions of Section 25 of the Act, as they had not served the management for 240 days so as to be declared as workman, for the purposes of the Act. It is their case that in terms of the circular of the management respondent, No. 303 IS-450/PD/468-87/A7 dated 08-08-88, the seniority of the workman was to be prepared and according to that policy every workman was placed in the seniority list w.e.f. 01-04-88, if he had continuous service, at his credit, for at least 6 months immediately before that date. As per the policy the registers of daily rated workers were required to be prepared and maintained according, to the seniority at the divisional, sub-divisional and sectional level separately. For inclusion in the seniority list, the requirement of 6 months continuous service was a pre-condition, before the date from which the seniority list was to take effect i.e. 01-04-88. The management has further claimed that the same seniority list was taken into consideration in the case of re-employment of the workers, in the case of start of new work, on need for fresh labour basis except in the case of emergencies like floods, breaches in canals etc.

16. The Management has disputed the case of the petitioner on merits stating that the workers, in this reference, had not worked for the management continuously. They worked intermittently and that to in different divisions of the respondents management. They were engaged on special jobs like replacement of steel ropes of gates of Nangal Dam and changing of roller of canal head regulate at Lohand and after the completion of their jobs, their services were no more required and since they had not continuously worked for 6 months, immediately before 01-04-88, therefore, they were not included in the seniority list. The management has further claimed that they had engaged the casual labourers as and when there was need, strictly "according to the seniority" and after following the prescribed policy. They have categorically denied that any juniors of the petitioners were re-employed or any pick and choose policy was followed.

The points which are required to be considered, are:

- (i) Whether the petitioners had rendered continuous service of 240 days so as to claim benefits Under Section 25 (F) of Act,
- (ii) Whether the Management had violated the provision of the Act in not giving option to the petitioners of re-employment and recruited fresh

hands or retained juniors to the petitioners in service.

The petitioners, in support of their claim, about the rendering of service to the management claimed, in the statement of claim that they had began serving the management in case of Ashok Kumar from Jan, 1986 in case of Baldev Singh from Jan, 1987, in case of Binder Pal from 04-04-86 and in the case of Gurdial Singh from 01-06-86. According to them the services of Binder Pal were terminated on 31-10-89; and that of rest of the petitioners on 30-09-89. Along with their statement of claim they have placed on record the detail of the services rendered by petitioner Ashok Kumar for the period 03-10-85 to September 1989. As per the detail given the petitioner had not served continuously for 6 months preceding 01-04-88. He did not work for the management after 26-04-87 till 03-01-88. Thus in the 6 months preceding 01-04-88 he worked for a period about 3 months and before that he had not worked for about 7 months for the respondents by a rough estimates. Similarly, Baldev Singh also did not work for 6 months continuously preceding 01-04-88. Same can also be said about Gurdial Singh. Thus the petitioners have no justifiable claims to make for their entry in the seniority list in terms of the policy referred to above framed by the management.

17. The petitioners have tried to challenge the policy on the basis that they were employees of the management, which was headed by one Chief Engineer. Therefore, their services, in whatever division of the Management they have performed, should be counted in their credited and then decided as to whether they are entitled for seniority or not. There is no weight in this submission since the policy in question was framed in compliance to the Judgement of Himachal Pradesh, High Court, in the case of Ram Piari & others Vs. BBMB, passed in Civil Writ Petition No. 27/1988 (Supra). The policy again came for the consideration of the same High Court in the case of Kishnu Ram & Others C.W.P.No. 274/90 decided on 19-07-90 and the same was upheld. Hon'ble Supreme Court of India also did not disturb the decision of the Himachal Pradesh, High Court, by an order passed in the case of Kishnu Ram & Others (Supra) civil appeal No. 5635 of 1990 decided on 25-11-90. Thus the policy framed by the management received the stamp of Supreme Court of India so the petitioner cannot challenge the same.

18. Now, coming to the question of violation of Section 25 (F) of the Act as claimed by the petitioner. I am of the opinion that the petitioners have no case on that count also except in the case of Binder Pal. The services of Messers Ashok Kumar, Baldev Singh and Gurdial Singh were terminated on 30-09-89. If we examine their period of service i.e. 240 days in one year preceding the date of their termination, we find that as per the detail placed on record Ashok Kumar had served for 227 days

in the gates and gearing sub-division of Nangal Dam Division. Baldev Singh had also served for 227 days and Gurdial Singh also for that period. So all the 3 had not completed 240 days in one year preceding the date of their termination. Therefore, these petitioners have failed to show that they had served for 240 days in the year preceding the date of their termination so as to get the benefit of Section 25 (F) of the Act.

19. As regards the case of Binder Pal, he had definitely served for 258 days in the year preceding the date of his termination on 31-10-89.

20. The management produced Sh. T. R. Aggarwal as their witness, who in the beginning of his statement admitted that Binder Pal had served the management for 240 days but later on retracted from that statement and claimed that Binder Pal had served only for 216 days. He also could not say anything about a letter alleged to have been written by the personal officer of the management BBMB, photocopy of which was placed on record. He admitted that no notice was given to the workman before the termination of their services nor any retrenchment compensation was paid. He further denied that the workmen were terminated from services even when the vacancies were available. In their written statement also the management admitted that no notice was issued to the workman nor any retrenchment compensation was paid to them since the workman had not completed the service of 240 days, preceding 12 months from the date of termination of their services. Thus, in case of Binder Pal the Management has failed to show that the workman had not served for 240 days. There is sufficient evidence on record to show that this workman had served for 240 days in a year preceding the date of termination of services and in his case no notice was given to him nor he was paid salaries in lieu of the notice period. It is also not shown that he was paid retrenchment compensation. There is also no evidence to show that the management had sought the permission of the appropriate Government before the termination of services of this workman. In his case the violation of Section 25 (F) is proved against the management.

21. The workman has placed much reliance upon a judgement of Hon'ble High Court of Punjab & Haryana passed in the case of BBMB Board Vs. Presiding Officer, CGIT, Chd. & others in CWP No. 10399 of 2003. The Hon'ble Division Bench in this case was seized with the matter of an award passed by this Tribunal on 19-09-2002. In that case this court had passed an award against the management holding that the workman had worked for 240 days preceding the date of his retrenchment and the management had retrenched his services saying that since the workman has not worked in one division, therefore, he was not entitled to claim continuous service under the management so as to make it 240 days, preceding the date

of his termination from the services. The Hon'ble Division Bench did not agree with the management and held that the employee workman was an employee of BBMB, a statutory body, constituted under the Punjab Reorganizations Act, 1966. The designated authority under the said Act was Executive Engineer who could be termed as an employer of the workman. As such the workman cannot be termed to have been engaged under two different employers, since the two divisions in which he worked were controlled and managed by the statutory authority i.e. BBMB therefore, there was no reason not to clubbed the service of the workman in one for the purposes of holding whether or not he had served for 240 days under one division in a year proceeding from the date of his retrenchment. There is nothing in this Judgement to show that policy framed by the management referred to above was brought to the notice of Hon'ble Division Bench along with the fact that the said policy had received the approval of Hon'ble Supreme court of India in the case of Kishnu Ram & Others (Supra) in civil appeal No. 5635 on 1990 decided in November 1990. Even otherwise it makes little difference since this case belongs to Himachal Pradesh and the judgements of Himachal Pradesh, High Court in the Case of Ram Piari and Kishnu Ram & Others (Supra) have binding force over this Tribunal. As such authority of Punjab & Haryana High Court referred to by the petitioner, has no effect in the present case. In my opinion this Judgement is not helpful to the petitioner to count their services of two divisions so as to find out whether they had served for 240 days preceding the date of their termination from services. The Judgement referred to by the petitioner in the case of Gain Singh Vs. Union of India CWP No. 6589 of 1988 is also of no help to them since the said matter pertained to the period before 01-4-1988 when the management framed the new policy in compliance to the direction of High Court of Himachal Pradesh.

22. As regards the claim of the petitioners about the violation of provisions of Section 25 G&H of the Act. I find that the petitioners have failed to prove that the management had recruited fresh hands without providing them opportunity of re-employment or their services were terminated though their juniors were retained in service. On this count the prayer of the petitioner is rejected.

23. After considering the facts and circumstances, as brought on record by the parties, I answer the reference holding that the action of the Chief Engineer, BBMB, Nangal Township, Himachal Pradesh in terminating the services of Sh. Ashok Kumar, Sh. Baldev Singh, Sh. Gurdial Singh was justified and legal. However, it was not justified in the case of Binder Pal since he had completed continuous service of 240 days in the year preceding the date of termination of services on 31-10-89. Thus he is deemed to be in service all through this period as if there was no order of termination of his services. He is entitled

to wages as well as continuity in service with all benefits. As regards the payment of back wages, I am of the opinion that the interest of justice demands that 50 per cent of the back wages be paid to the workman since he did not work for the management during this period, though technically not because of his fault. The management has failed to bring on record any evidence to show that this workman remained gainfully employed all through this period. However, it cannot be accepted, by any stretch of argument that he remained idle during this period and still survived and also fed his family. The award is passed in these terms. Let a copy of it be sent to the Govt. of India for appropriate action. The file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2004

का.आ. 2528.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीफ़ल स्टेशन फ़ॉर फ़ोरेन प्रोडक्शन एण्ड डेमोन्स्ट्रेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 78/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-2004 को प्राप्त हुआ था।

[सं० एल-42012/99/91-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2528.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 78/92) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Regional station for Forage Production and Demonstration and their workman, which was received by the Central Government on 10-09-2004.

[No. L-42012/99/91-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer, Shri Kuldeep Singh

Case No. I.D. 78/92

Recived on 20-7-92

Registered on 20-7-92

Decided on 30-8-2004

Ram Sarup son of Chandgi Ram resident of 1188, M.C.
H. Bharat Nagar, Hissar-125001

.. Applicant.

Versus

Management, Regional Station for Forage Production
and Demonstration. Through its Director.

.. Respondent

APPEARANCES:

For the Workman : Shri Manjit Singh

For the Management : Shri Arun Walia

AWARD

Exercising the powers conferred U/s 10 of the Industrial Disputes Act 1947 (hereinafter referred to as the Act), the Central Government vide No. L-42012/99/91 IR (DU) has referred the following dispute to this Tribunal for adjudication :-

“Whether the action of the Management of Regional Station for Forage Production and Demonstration, Hissar in terminating the services of Sh. Ram Sarup w.e.f. 14-4-88 is justified? If not, what relief he is entitled to?”

2. This is the reference, this Tribunal received on 16-7-1992 from the Government of India vide their notification No. L-42012/99/91 and the same was entered in the concerned register as ID No. 78/92. The notice of the reference had been given to the parties, by the appropriate Government alongwith the submission of the reference to this court and in reply to that the parties appeared on 17-9-92. The petitioner filed his statement of claim on 7-10-93 to which the management filed written statement on 30-9-94 the management also placed on record documents shown as annexure. R1, R2 along with their written statement. The petitioner filed rejoinder to the written statement on 27-2-96. On the same day he also filed his affidavit. The management further placed on record some documents such as photo copy of letter, photo copy of award and photo copy of Muster rolls pertaining to the years 1986, 1987 comprising of 22 pages.

3. In support of his claim the workman appeared as a witness whereas the management produced Shri S. C. Bhattacharya as their witness.

4. The workman in his statement of claim has submitted that he had joined the service of the management in the month of August, 1986, as Chowkidar, on a salary of Rs. 800 per month. That the Director of the respondent terminated the services of the workman in Feb., 1988, verbally for the reason known to him. The workman was

neither served with any notice nor was given one month's salary in lieu thereof (notice). That the management acknowledged the performance of duties by the workman by their letter dt. 2-2-87, placed on record as Annexure. C1. Thus, the workman served the management for more than 240 days, which fact was certified by ALC(C) Rohtak. That the management retained juniors to the workman in service whereas they retrenched his services and the Director of the respondent acted mala fide and arbitrarily in doing so, as he engaged his relations in place of the workman. The management thus violated the provisions of Industrial Disputes Act, hereinafter to be referred as 'Act'. They did not even follow the principles of natural justice and equity. The petitioner has prayed for setting aside the order of his termination, after declaring the same illegal mala fide and intentional. He has also sought directions to the management to re-instate him in service and for payment of full back-wages, since the workman, did not remain gainfully employed all through this period.

5. The management has opposed the claim of the petitioner stating that the same is not maintainable since the management respondent is not an industry as defined by the Act. According to them Regional Station for Forage Production and Demonstration is an office of the Government of India, which is a subordinate office of Ministry of Agriculture, New Delhi. They have claimed that the Regional station was created by Govt. order No. 14-2/69-LD-III, dt. 7-2-69 so as to achieve the objective of introduction of Fodder Crops in the existing crop rotation, and such other objects as are given in the written statement. That the services rendered by the Station are free of cost and the expenses of the station are met by the Govt. of India. That Industrial Tribunal, Hyderabad has already held that the Regional Station for Forage Production and Demonstration is not an Industry. That the applicant is not a workman besides there is delay and laches in the submission of the claim. Claim was raised, for the first time, on 5-6-90, before the ALC. The claim is also bad since the Union of India a necessary party in the circumstances, has not been arrayed. Admitting that the workman was engaged in August 1986, it is submitted by the respondents that the workman had left the job at his own, on 15-3-88 without any intimation or information to the respondent. They have placed on record copies of the applications of the workman dt. 11-6-88 and marked as Annexure. R3 and R4. They have further admitted that the workman had worked from 23-8-86 to 14-3-88, as per the detail given in para 4 of the written statement. Denying the contents of the other paras of the objection the respondents have prayed for rejecting the claim of the petitioner.

6. The petitioner, in his statement, on oath, recorded on 16-11-98 admitted the contents of his affidavit as correct. In cross-examination he stated that from 15-3-88 onward he did not work for the management and the application Ex. M1 was submitted by him. The Medical Certificate Ex. M2

is not false. That Ex. M3 is another application which he had made on 11-6-88. That the management asked him to come after 2/3 months, but later on they refused to take him in employment. Thereafter, he had made an application to the Labour Commissioner.

7. Sh. S.C. Bhattacharya who appeared as witness for the management also admitted, as correct, his affidavit Ex. M4. He further stated that the workman was engaged as a casual labour in August 1986, but denied that the workman had worked as a Chowkidar. He further admitted that the workman had served upto 14-3-88, and that there was no complaint against his work and conduct, and that the workman was paid on monthly basis and the holidays and Sunday's were included in the working days. After examining the original Muster Roll, the copies of which were placed on record and Exhibited as Ex. M5, containing 1 to 22 pages, he stated that the Sunday's are not included in the working days of the workman for the period August 1986 to March 1988. He further admitted that the workman had worked for 240 days immediately preceeding the date of his termination. He had further admitted that no notice of termination was given to the petitioner nor he was paid the retrenchment compensation. The workman was also not chargesheeted nor any inquiry was held against him. He however, denied that applications Ex.M1 and M3, were made by the workman at the instance of management or that the workman was put off for being taken in service for 2 years.

8. The witness further admitted that the Regional Station owns 150 acre of land, two tractors, trolleys and has four functioning tubewells, but denied that the Fodder Produced by the management, is sold in the city, or that he has made a wrong statement. He admitted that barley, maize, grass, millet, mustard and seeds are sown in the farm. He denied the knowledge that after the termination of petitioner, Sanjay and Umed, were appointed as labourers. He further stated that the workman was marked absent from 15-3-88 since he had left the job himself. He admitted that no notice was issued to the workman to join his duties or about his absence.

9. The combined reading of the pleadings of the parties, their sworn testimonies and statement made by their witnessess, before this Tribunal, the following facts emerge out undisputed.

- (i) That the petitioner workman had served the management for the period August 1986 to March 1988, continuously and thus he served for 240 days continuously proceeding the date of his termination on 15-3-88.
- (ii) That the workman was not given a notice before his termination nor was paid salary for the notice period.

- (iii) That the workman was not paid retrenchment compensation by the management and that;
- (iv) That there is also no evidence to show that the Management had informed the appropriate Govt. about the termination of the workman or had obtained permission in that regard.

10. There is no doubt that the management has claimed that the workman had abandoned the service, but they have failed to produce any evidence to show that the workman had in fact done so. The management has relied upon two applications, of the workman, Ex. M1 and Ex.M3, which also suggest that the workman was ill therefore, he could not attend to his duty w.e.f. 1-4-88 and requested for leave upto 14-6-88, on account of his ill health. In Ex.M3 he again contended that he was not well for the last 3 months, therefore, he could not attend to his duties and for that he had already made an application to the Management. On record I find a certificate dt. 4-5-88, issued by Dr. T. A. Kidwai, who certified that the workman was under his treatment from 1-4-88 to 4-5-88. On the application of petitioner Ex. M1 there is an order passed by an officer of the Management, who noted that the workman has left the job without information to the competent authority and has made the application after one and a half month. Therefore, he cannot be re-engaged he did not come for the work earlier. These documents suggest that the management did not enquire into the truth and false-hood of the claim of the petitioner, that he was ill and therefore, he could not attend to his duties from 1-4-88 till 17-5-88. They, in an arbitrary manner came to the conclusions that the workman has left the job without informing the competent authority. In the absence of any evidence to the contrary, it has to be accepted that the workman could not attend to his duties due to his ill health. In such a circumstance the management should not have terminated him from the services without a notice and without following the provisions of Section 25-F of the Act.

11. The management has lead much stress on their claim that they are not an 'Industry'. Therefore, the present reference is not maintainable against them. Section 2(J) of the Act defines industry in the following manner :

"Industry" means any business, trade, undertaking manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workman".

12. The definition of the Industry fell for the consideration of Hon'ble Supreme Court in a number of cases and the law is laid down by their Lordship of Supreme Court in the case of Bangalore Water Supply and Sewerage Board Vs. A. Rajappa, reported as 1978 Lab. I.C. 467. Their Lordship considered the earlier judgements of the Apex Court and of different High Courts of the country. Hon'ble

V.R. Krishna Iyer who wrote the leading judgement held that an establishment is an industry where there is (i) systematic activity, (ii) organised by co-operation between employer and employee. The direct and specific element is chimerical, (iii) for the production and/or distribution of goods and for services calculated, to satisfy human wants and wishes, that are not spiritual and religious, inclusive of material things or services gear to celestial bliss, i.e. working, on a large scale parsad and food. His Lordship held that business of profit motive or gainful objective, is irrelevant. Be a venture in public, joint or private or other sector. According to His Lordship, the true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer and employee relationship. According to His Lordship if the organisation is a trade or business it does not cease to be one because of philanthropy animating the undertaking. Their Lordship relied upon the judgement of the Apex Court reported in AIR-1953 Supreme Court 58.

13. The Management's case is that they are not an industry and their organisation is engaged in the research and development of forage, a fodder, produced for the animals and for the Demonstration thereof. They have further claimed that the activities of their station are not for commercial purposes and are purely for a research purposes. Hon'ble Iyer considered this aspect also in the case of Bangalore Sewerage (Supra) and held that the absence of profit motives or gainful objectives is irrelevant. What is relevant is the systematic activity carried on in an organised manner with co-operation of employer and employees. The management has by their own pleadings admitted that they are engaged in the production of Forge though they have claimed that it is for the development of the Fodder and for its Demonstration. Whatever, may be the reasons, but the job of undertaking-respondent, is to satisfy the human wants and wishes, which are neither religious nor spiritual. Over ruling the judgements of Apex Court in the case of Safdarjung Hospital reported as AIR-1970, Supreme Court 1407. Their Lordship held that research institutes, Albert run without profit motives are also industries. In the case of physical Research Lab. Vs. K.G. Sharma reported as (1997) 2LLJ625. No doubt it was held that physical research laboratory is not Industry, primarily on the ground that it was not rendering any service to others. It was engaged purely for research in space science. Similarly, distinction was drawn by the single Bench of Jharkhand, High Court, in the case of Central Rain-Fed Upland Rice Research Institute Vs. Union of India reported as (2002) 2LLn655 (Jhar). His Lordship hold that the Rice Institute was not an Industry since it has no objective to produce and distribute any service to satisfy the need of consumer community. In the present case of Management has failed to bring anything on record to show that the Fodder produced by them was not meant for satisfying the human wants. Rather, in their written statement they

enumerated the objectives for which Institute is established. Objective shown as Sr. No. 8 reads as under :—

“Production of high quality foundation seeds of Forage Crops for further multiplication and distribution”.

The other objectives noted also clearly indicate that the job undertaken by the management was to satisfy the human wants and wishes, of better Fodder Crop and increased production. Thus, there is no weight in the claim of the respondents, that they are not Industry since they were engaged in the research work and were not engaged in the commercial activity.

14. After considering the rival contentions of the parties, the evidence brought on record and the law referred to in the case I answer the reference in the following manner :—

That the action of the Management of Regional Station for Forage Production and Demonstration, Hissar in terminating the services of workman Ram Sarup was not justified.

The management did not follow the law contained in Section 25(F) of the Act and they violated the same in a letter and spirit. Thus, the termination of the workman's service is bad in law and non-existent. He did held to be in service as if there was no order of his termination from service. It has come on record that the workman has remained absent on account of his ill health from the 1-4-88 to 11-6-88, the day he reported for duty, but was not allowed to join. The management shall examine the claim of the petitioner for grant of sick or any other leave for that period. However, the workman shall be considered to be on duty w.e.f. 11-6-88, if not earlier, if the Management finds the claim of workman for grant of leave for genuine then he shall be treated to be on duty from the day he was terminated from service.

15. The next question to be considered is that of back-wages. It is true that the workman did not work for the Management during this period. The Management has failed to prove that the workman was gainfully engaged during this period, but this fact cannot be ignored that the workman could not have survived without working anywhere. Though he may not be fully engaged, but he must be doing some job to earn his livelihood to feed himself and his family. Thus his claim for full back-wages is not justified. In the circumstances I allow the workman : fifty per cent of this back-wages which he would have drawn, but for his termination from service by the Management with continuity to service and other benefits. The reference is answered. Let a copy of this award be sent to the Government of India for necessary action. File be consigned to the records after due completion.

KULDIP, SINGH, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2004

का. आ. 2529.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 193/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-2004 को प्राप्त हुआ था।

[सं. एल-40025/22/2004-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2529.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 193/2001) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 10-9-2004.

[No. L-40025/22/2004-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD

PRESENT:

Shri E. Ismail, B. Sc., LL.B., Presiding Officer

Dated the 29th day of July, 2004

INDUSTRIAL DISPUTE L.C. I.D. 193/2001

(Old I.D. No. 66/2000 Transferred from Labour Court-III,
Hyderabad)

BETWEEN:

Sri. V. Prabhakar Rao,

S/o Kotaiah,

R/o H. No. 17-183/20,

Hanumannagar,

Mahaboobnagar.

....Petitioner

AND

The Sub-Divisional Officer,

Telecom,

Mahaboobnagar.

....Respondent

APPEARANCES:

For the Petitioner : Sri K. Ravinder Goud, Advocate

For the Respondent : Sri R.S. Murthy, Advocate

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 by the Labour Court-III, Hyderabad in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR (C-II) dated 18-10-2001 bearing I.D. No. 66/2000 and renumbered in this Court as L.C.I.D. No. 193/2001.

2. The brief facts as mentioned in the petition are : That the Petitioner was appointed on 1-11-80 as casual mazdoor and worked continuously till 30-9-82 and his services were terminated by oral order dated 1-10-82 by the Respondent herein. The said order was unjust, illegal and liable to be set aside by virtue of the said order. The Petitioner became unemployed in spite of several oral and written requests, nothing was done. Hence, he raised a dispute before the ALC (C) for conciliation.

3. A counter was filed stating that the Petitioner was never appointed nor terminated from the services. That the Petitioner earlier moved for conciliation before the ALC (C), the conciliation ended in failure. His case was forwarded to the Secretary, Ministry of Labour and Employment and the Ministry has refused to refer the dispute for adjudication. Hence, the Petitioner is not entitled for any relief.

4. The Petitioner examined himself as WW1 and deposed that he joined the Department on 1-11-80. He was not given any appointment order. He worked upto 30-9-82, on which date the Respondent asked him not to come to work from 1-10-82. After the termination of his services some of his juniors were appointed in his place namely S./Sri T. Veera Swamy, A. Madhavaiah, E. Laxma Reddy, Thirupathaiah Goud, K. Gopal. He approached on 2-2-99 the ALC(C), Hyderabad by way of representation vide Ex. W. 1. The conciliation officer closed the conciliation on 25-6-99 and sent failure report to the Government of India, Minutes of conciliation is Ex. W.2. Ex. W 3 is corrigendum to failure report. Ex. W 4 is failure report. Hence, he may be reinstated.

5. He was cross-examined. He denied that he did not seek the work and there are subsequent engagement of casual labour and now there is no work of casual labour.

6. The Respondent filed an affidavit of deposition by Sri. P. Krishnaiah, Sub-Divisional Officer, Telecom, Mahaboobnagar. He deposed that the engagement of Petitioner from 1-11-80 to 30-9-82 cannot be verified as the records has been for the said period has been weeded out by efflux of time as per retention schedules stipulated. Hence, the Petitioner is not entitled for any relief. In the cross-examination he says that as there is no record

available he cannot assert or deny the engagement of the Petitioner.

7. It is argued by the Learned Counsel for the Petitioner that the MW1 himself has stated that he cannot assert or deny the engagement of the Petitioner. Therefore, it may be safely concluded that the Petitioner has worked for more than 240 days. Hence, he may be reinstated with back wages. The Respondent's Counsel submits that even the Government of India refused to refer the matter as it is belated and raised in 1999 after a lapse of 17 years. Therefore he submits that the petition may be dismissed.

8. It may be seen that no doubt as no records are available and even if it is presumed that the Petitioner worked from 1-11-80 to 30-9-82 still he has approached in 1999 to the ALC (C) and the Government of India, Ministry of Labour and Employment has refused to refer the matter. It may be noted that no doubt Industrial Disputes Act does not provide any limitation, but it does not mean that one can keep quite for 17 long years and after perhaps working somewhere else or engaging himself in other profession can approach this Court as a chance litigation. Merely, because this Court is bound to take the petitions under Sec. 2 A (2) of the I.D. Act, 1947 in view of the Judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others. Hence, I am of the opinion that the Petitioner is not entitled to any relief except that whenever in future if any casual labour is engaged the Petitioner may be given preference taking his date of entry into service as 1-11-80 and his age as on 1-11-80.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 29th day of July, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW 1 : Sri V. Prabhakar Rao

Witnesses examined for the Respondent

MW 1 : Sri P. Krishnaiah

Documents marked for the Petitioner

Ex. W 1: Copy of representation to ALC (C) dt. 2-2-99.

Ex. W 2: Copy of minutes of conciliation.

Ex. W 3: Copy of corrigendum to failure report.

Ex. W 4: Copy of failure report by ALC (C), Hyderabad dt. 25-6-99.

Ex. W 5: Copy of representation to SDOT, Mahaboobnagar dt. 1-2-99.

Ex. W 6: Copy of list of casual mazdoors.

Documents marked for the Respondent

NIL

नई दिल्ली, 10 सितम्बर, 2004

क्र. अ. 2530.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधांत्र के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण जयपुर के पंचाट को प्रवर्तित करती है, जो केन्द्रीय सरकार को 10-9-2004 को प्राप्त हुआ था।

[सं. एल-40012/26/89-(डी-II) (बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2530.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Industrial Tribunal Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 10-9-2004.

[No. L-40012/26/89-D-II (B)]

KULDIPRAJ VERMA, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

कैस नं० सी.आई.टी. 117/89

रेफरेंस : केन्द्र सरकार, ग्राम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल. 40012/26/89-डी-II(बी) दिनांक 3-11-89

असलम खान पुत्र श्री अल्लाफ खान, एकाद नं० 50, 11, ई रोड, सरदारपुरा जोधपुर।

—प्रार्थी

बनाम

असिस्टेंट डिप्टी कमल इंजीनियर, टेलीकाम (ए. डी. ई. टी.) सेट ई/एस (एम)/जोधपुर।

—अप्राथी

उपस्थित

पीठासीन अधिकारी : श्री पी.एल. हिस्सारीया, आर.एच.जे.एस.

प्रार्थी की ओर से : श्री सी. पी. शर्मा

अप्राथी की ओर से : श्री टी. पी. शर्मा

दिनांक अवाई : 9-7-2004

अवार्ड

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने उपरोक्त आदेश द्वारा निम्न विवाद इस न्यायाधिकरण को अधिनिर्णयार्थ प्रेषित किया है :

“Whether the action of the management of A.D.E.T. Sect. E/S (M), Jodhpur in terminating the Services of Shri Aslam Khan, Daily Rated worker w.e.f. 1-1-84 is just a legal? If not, to what relief is the worker concerned entitled?”

2. प्रार्थी ने स्टेटमेंट ऑफ क्लेम पेश किया है जिसमें प्रार्थी ने वर्णित किया है कि प्रार्थी श्रमिक की प्रथम नियुक्ति अप्रार्थी द्वारा नियोजक कार्यालय से नाम मांगे जाने पर 2-4-83 को की गई और तब से वह लगातार मेहनत से कार्य करता रहा, कभी अपने कार्य से अनुपस्थित नहीं हुआ और 240 दिन से अधिक काम किया। अप्रार्थी प्रबन्धक द्वारा प्रार्थी की सेवाएं बिना कोई कारण बताये 1-1-84 से समाप्त कर दी गई। सेवा समाप्ति से पूर्व अप्रार्थी ने कोई वरिष्ठता सूची नहीं बनाई, प्रार्थी से कनिष्ठ श्रमिक मेवा राम नाई व डूंगर लाल अब भी अप्रार्थी के कार्यालय में कार्य कर रहे हैं जबकि कनिष्ठ श्रमिकों की सेवाएं समाप्त की जानी चाहिये थी। अप्रार्थी प्रबन्धक की यह कार्यवाही अनुचित श्रम व्यवहार है। अप्रार्थी ने प्रार्थी की सेवा समाप्त करने के बाद कई नई नियुक्तियां की हैं परन्तु प्रार्थी को कोई सूचना नहीं दी जबकि नई नियुक्ति में प्रार्थी को प्राथमिकता दी जानी चाहिये थी। इस प्रकार अप्रार्थी ने धारा 25-एच अधिनियम के प्रावधान का उल्लंघन किया है। अप्रार्थी ने प्रार्थी की सेवा समाप्त करने से पूर्व धारा 25-एफ अधिनियम की पालना में न तो कोई नोटिस दिया और न ही नोटिस के बदले एक माह के वेतन का भुगतान दिया न छंटनी का कोई मुआवजा दिया। प्रार्थी की सेवाएं अप्रार्थी ने बिना कारण बताये, बिना कोई आरोप पत्र जारी किये तथा बिना किसी प्रकार की जांच कार्यवाही किये समाप्त की है जो अवैध एवं अनुचित हैं तथा प्राकृतिक न्याय सिद्धान्त के विपरीत हैं। प्रार्थी ने यूनियन के माध्यम से विवाद उठाया परन्तु समझौता अधिकारी के समक्ष अप्रार्थी की हठधर्मिता के कारण वार्ता असफल रही और केन्द्र सरकार ने यह विवाद न्याय निर्णय हेतु इस अधिकरण को प्रेषित कर दिया। प्रार्थी उसकी सेवा पृथक्करण की तिथि से बेरोजगार है और क्लेम में यह अनुतोष चाहा है कि उसके सेवा पृथक्करण आदेश को अवैध एवं अनुचित घोषित किया जाये तथा उसे सवैतनिक व निरन्तर सेवा में लिया जाकर उसे पूर्व के सभी लाभ दिलाये जायें तथा आज तक के वेतन का ब्याज व मुकदमा का खर्चा भी दिलाया जावे।

3. अप्रार्थी ने प्रार्थी द्वारा प्रस्तुत क्लेम का जवाब पेश किया है जिसके अनुसार प्रार्थी को अप्रार्थी के यहां दैनिक वेतन भोगी श्रमिक के रूप में मस्टररोल पर कार्य करने के लिए 1-5-83 से रखा गया और 1-5-83 से 26-10-83 तक कार्य किया। इस प्रकार उसके कुल कार्य दिवस 144 दिन थे, उसने 240 दिन तक काम नहीं किया, इस कारण औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम संशोधित किया है) के प्रावधान उस पर लागू नहीं होते। अप्रार्थी ने प्रार्थी की सेवाएं 1-1-84 से समाप्त नहीं की, प्रार्थी का यह कथन पूर्णतः गलत है वह 2-4-83 से भी काम पर नहीं आया बल्कि उसने 1-5-83 से

26-10-83 तक कार्य किया। इस बीच 22-10-83 को प्रार्थी तथा एक अन्य दैनिक वेतन भोगी श्रमिक अतिउल्ला रात्रि ड्यूटी पर थे जिन्होंने दोनों ने डी.आर.एन. को मौखिक तथा लिखित शिकायत पेश की कि रात्रि में 9.45 बजे सैटेलाईट का दरवाजा खुला पाया, दो अपरिचित व्यक्ति देखे जब उन्होंने ग्रामवासियों को पुकारा तब देखने पर अंदर कोई नहीं पाया, यह उनका भ्रम था या क्या, यह वे नहीं बता सकते और इसे देखने के पश्चात् दूसरे श्रमिक अतिउल्ला खान ने 24-10-83 तथा प्रार्थी ने 27-10-83 से स्वेच्छा से काम पर आना बंद कर दिया, उन्हें विभाग से कभी निकाला नहीं गया। उसके काम पर आना बंद करने से इनके स्थान पर अन्य दैनिक श्रमिकों को रखा गया। प्रार्थी ने 27-10-83 से काम छोड़ने के पश्चात् अप्रार्थी विभाग में कभी कोई सम्पर्क न तो स्वयं किया न पत्र के द्वारा किया। चार वर्ष पश्चात् दिनांक 12-10-87 को प्रार्थी ने एक पत्र विभाग को भेजा जिसमें उसने अप्रार्थी कार्यालय में 2-7-83 से मस्टररोल पर दैनिक वेतन के रूप में रखे होने की बात कही और आठ माह तक सेवाएं देने की बात कही जो पत्र पूर्णतया निराधार व गलत तथ्यों पर था। प्रार्थी को निकाला नहीं गया बल्कि उसने स्वेच्छा से काम छोड़ा और लंबे समय तक कोई विवाद नहीं उठाया और अब 6 वर्ष पश्चात् 1989 में यह विवाद उठाया है। इस देरी का कोई स्पष्टीकरण नहीं दिया है। प्रार्थी दैनिक वेतन पर कार्यरत था, उसने 240 दिन कार्य किये बिना ही स्वयं कार्य छोड़कर चला गया, उसे निकाला नहीं गया। उसने कुल दैनिक वेतन भोगी के रूप में 144 दिन काम किया जिसका वेतन उसे दे दिया गया वह किसी प्रकार की राहत पाने का अधिकारी नहीं है। प्रार्थी का क्लेम खारिज किये जाने की प्रार्थना की है।

4. प्रार्थी ने अपने क्लेम की पुष्टि में स्वयं का शपथ पत्र पेश किया है और दो दस्तावेज प्रदर्श डब्ल्यू-1 व डब्ल्यू-2 पेश किये हैं। प्रदर्श डब्ल्यू-1 समझौता वार्ता का प्रार्थना पत्र व डब्ल्यू-2 असफल वार्ता प्रतिवेदन है। प्रार्थी के शपथ पत्र पर अप्रार्थी के प्रतिनिधि ने जिरह की है। अप्रार्थी की ओर से श्री भवानी शंकर, सहायक अभियन्ता का शपथ पत्र पेश हुआ है जिससे प्रार्थी के विद्वान प्रतिनिधि ने जिरह की है और अप्रार्थी ने प्रदर्श एम-1 लगायत एम-19 कुल 19 दस्तावेज प्रदर्शित करवाये हैं।

5. दोनों पक्षों की बहस सुनने के पश्चात् इस अधिकरण ने दिनांक 6-10-97 के द्वारा अवार्ड पारित किया जिसमें अप्रार्थी विभाग को “उद्योग” नहीं मानकर भारत सरकार द्वारा जारी अधिसूचना को निरस्त कर दिया और प्रार्थी को सक्षम न्यायालय में विवाद पेश करने का आदेश दिया। इस पंचाट के विरुद्ध प्रार्थी ने इस अधिकरण के समक्ष उक्त आदेश को पुनर्विलोकन करने का प्रार्थना पत्र दिनांक 13-2-98 को पेश किया जिस पर प्रकरण प्रार्थना पत्र सं० 6/98 दर्ज किया जाकर सुनवाई के पश्चात् आदेश दिनांक 19-6-2000 के द्वारा इस अधिकरण ने प्रार्थी के पुनर्विलोकन के प्रार्थना पत्र को खारिज कर दिया। प्रार्थी ने उसके बाद माननीय राजस्थान उच्च न्यायालय के समक्ष एस.बी. रिट पिटीशन सं० 4041/2000 असलम खान बनाम भारत संघ व अन्य पेश की जिसमें माननीय राजस्थान उच्च न्यायालय ने अपने आदेश दिनांक 6-2-2002 के द्वारा इस रिट को स्वीकार करते हुए इस अधिकरण द्वारा पारित पंचाट दिनांक 6-10-97 एवं पुनर्विलोकन प्रार्थना पत्र पर पारित आदेश दिनांक 19-6-2000 को अपास्त कर दिया और माननीय राजस्थान

उच्च न्यायालय ने यह विवाद अप्राथी को "उद्योग" घोषित करते हुए गुणावगुण पर पुनः सुनवाई के लिए इस अधिकरण को भेजने का आदेश दिया, जिस पर विवाद पुनः उसी नम्बर पर दर्ज किया गया। दोनों पक्ष के विद्वान प्रतिनिधिगण की गुणावगुण पर बहस सुनी गई, पत्रावली का अवलोकन किया गया।

6. प्राथी ने अपने क्लेम में 2-4-83 से 1-1-84 तक कार्य करना बताया है और 240 दिन से अधिक समय तक लगातार कार्य करना कहा है। इसके विपरीत अप्राथी ने अपने जवाब में 1-5-83 से 26-10-83 तक कुल 144 दिन प्राथी द्वारा कार्य करने की बात कही है और 27-10-83 से प्राथी स्वयं ने काम पर आना बंद कर दिया और उसे निकाला नहीं गया यह बताया है। प्राथी ने मात्र दो दस्तावेज पेश किये हैं जो समझौता अधिकारी के समक्ष विवाद का प्रार्थना पत्र व असफल वार्ता प्रतिवेदन की प्रति है। इससे प्राथी की सेवाएं कब शुरू हुईं, कब समाप्त हुईं, यह तथ्य साबित नहीं होता। उसने अपने शपथ पत्र में मौखिक तौर पर ही यह कहा है कि उसने 2-4-83 से 1-1-84 तक काम किया है। परन्तु जिरह में इस बात को स्वीकार किया है कि उसकी नियुक्ति आदेश प्रदर्श एम-1 है, पदस्थापन का आदेश 21-4-83 प्रदर्श एम-2 उसे मिला नहीं, उसने 1-5-83 को ड्यूटी जोइन नहीं की बल्कि 2-4-83 को की थी। प्रदर्श एम-4 पर उसके हस्ताक्षर हैं, उसका कार्यरत दफ्तर भूत बंगला के नाम से प्रसिद्ध नहीं है। रजिस्टर में उसकी हाजिरी कनिष्ठ अभियन्ता करते थे, उसे 9 रुपये प्रतिदिन की दर से वेतन मिलता था।

7. खण्डन में अप्राथी की ओर से भवानी शंकर का शपथ पत्र पेश हुआ है जिसमें बताया गया है कि 1-4-83 को दैनिक मजदूरों की चयन सूची नियोजन अधिकारी से नाम मंगाकर एस.डी.सी.टी. कार्यालय जोधपुर के नाम तैयार की गई जो प्रदर्श एम-1 है। इसमें चयनित व्यक्तियों के जिसमें असलम खां को भी दैनिक मजदूर के रूप में है, 21-4-83 को नियुक्ति दी गई जो प्रदर्श एम-2 है और प्राथी असलम खां ने 1-5-83 से जोधपुर सैटेलाइट में मस्टरोल पर कार्य करना शुरू किया जिसके दस्तावेज प्रदर्श एम-3 व एम-6 हैं। उसकी सूचना एस.डी.ओ.टी. को 22-3-83 को भेजी गई जो प्रदर्श एम-3 है। अप्रैल 1983 से नवम्बर 1983 के हाजिरी रजिस्टर की प्रति प्रदर्श एम-8 से एम-15 है जिसमें प्राथी के काम प्रारंभ करने व छोड़ने का स्पष्ट होता है। इसका अक्टूबर व नवम्बर का एल.टी.आई. फार्म एम-16 व एम-17 तथा वर्क ऑर्डर एम-18 व एम-19 है। इस प्रकार प्राथी ने कुल 26-10-83 तक 162 दिन काम किया जिसमें 18 साप्ताहिक अवकाश के दिन थे और उसने कुल 144 दिन ही काम किया। 27-10-83 से उसने स्वयं ने काम पर आना बंद कर दिया प्राथी व उसके साथी श्रमिक ने 22-10-83 को अपने बयान प्रदर्श एम-3 व एम-4 दिये। जिरह में इस साक्षी ने इसके विपरीत कुछ नहीं कहा। अप्राथी के साक्षी के कथन की पुष्टि दस्तावेजी साक्ष्य से होती है, जब नियुक्ति पत्र ही 21-4-83 को जारी किया गया तो 2-4-83 से कार्य करने का प्रश्न ही नहीं उठता प्राथी ने अपने ड्यूटी 1-5-83 से जोइन की है और 26-10-83 तक की उसकी उपस्थिति रजिस्टर में अंकित है जिसका उसे वेतन दिया गया है। 27-10-83 से वह स्वेच्छा से अनुपस्थित है तथा तभी से उसका वेतन नहीं दिया गया है। इस प्रकार दस्तावेजी साक्ष्य से यह प्रकट है कि प्राथी

ने मात्र 144 दिन ही कार्य किया है, उसे सेवा से न तो निष्काशित किया गया और न ही छंटनी की गई बल्कि उसने स्वयं ने काम पर आना बंद कर दिया। इस तथ्य की पुष्टि प्राथी व उसके साथी श्रमिक के बयान से होती है जिन्होंने रात्रि में कार्यालय खुला देखने एवं दो अनजान व्यक्तियों का देखा जाना तथा आस-पास के लोगों को बुलाने पर वहां किसी का नहीं होना पाकर भ्रम की स्थिति पैदा होना कहा है, जिससे प्रतीत होता है कि वे इस घटना से भयभीत हो गये और उन्होंने कार्य पर आना स्वयं ही बंद कर दिया। इसलिए मात्र 144 दिन कार्य करने से और उसकी कोई छंटनी नहीं किये जाने से धारा 25-एफ, 25-जी व 25-एच अधिनियम के प्रावधान आकर्षित नहीं होते। प्राथी ने 1983 के परकाश मात्र एक प्रार्थना पत्र 1987 में अप्राथी को दिया है और उसके परकाश यह विवाद का प्रार्थना पत्र 1989 में दिया है। 1983 से 1989 तक उसने कोई कार्यवाही नहीं की और इस देरी का किसी प्रकार का कोई स्पष्टीकरण भी प्राथी द्वारा न तो अपने क्लेम में बताया गया है, न समझौता कार्ता में कोई स्पष्टीकरण दिया है और न ही बहस के दौरान इस तथ्य का कोई स्पष्टीकरण दिया है। इस तरह यह विवाद जो प्राथी के स्वयं द्वारा सेवा में न आने पर भूतप्रायः हो गया, इस विस्मृत विवाद को 1989 में प्रार्थना पत्र देकर जीवित करने का प्रयास किया गया है, इस देरी का कोई स्पष्टीकरण नहीं दिया है इस कारण जैसा कि माननीय उच्चतम न्यायालय ने शालीमार वर्क्स लि० बनाम उनके श्रमिकगण 1960 (1) एस.सी.आर. 150, रतन चन्द्र सामन्ता बनाम यूनिवर्स ऑफ इण्डिया 1993 (67) एफ.एल.आर. 70 (एस.सी.), नेदुनगडी बैंक लि० बनाम के.पी. माधव कुट्टी 2000 (84) एफ.एल.आर. 623 (एस.सी.) में यह निर्धारित किया है कि जहां विवाद भूतप्रायः हो गया हो और देरी का कोई स्पष्टीकरण नहीं हो, ऐसे में प्राथी कोई अनुतोष पाने का अधिकारी नहीं है। अतः प्राथी का क्लेम खारिज किये जाने योग्य है व इस क्लेम के द्वारा प्राथी किसी प्रकार की राहत पाने का अधिकारी नहीं है।

8. उपरोक्त विवेचन के आधार पर प्रकरण में निम्न अवाई पारित किया जाता है :

"ए. डी. ई. टी. सैटेलाइट ई/एस (एम), जोधपुर के प्रबंधतंत्र जोधपुर द्वारा श्रमिक असलम खां, दैनिक वेतन भोगी श्रमिक की सेवाएं दिनांक 1-1-84 से समाप्त किया जाना उचित एवं वैध है। श्रमिक कोई राहत पाने का अधिकारी नहीं है।"

9. अवाई आज दिनांक 9-7-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया।

10. अवाई की प्रति केन्द्र सरकार को प्रकाशगार्थ नियमानुसार भेजा जावे।

पी. एल. हिस्सारिया, पीठासीन अधिकारी

नई दिल्ली, 10 सितम्बर, 2004

का. आ. 2531.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय, चंडीगढ़ के पंचाट (संदर्भ संख्या 120/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-09-2004 को प्राप्त हुआ था।

[सं. एल-12012/163/92-आई आर(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 10th September, 2004

S.O. 2531.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 120/92) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank, and their workman, which was received by the Central Government on 09-09-2004.

[No. L-12012/163/92-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer : Shri Kuldeep Singh

Case No. ID 120/92

Received on :

Registered on : 9-9-1992

Decided on : 31-8-2004

Shiv Darshan Pal Sharma R/o H. No. 3378/1, Gali Kakyzian
Katra Bahian, Ram Bagh, Amritsar.

.....Applicant/Claimant.

Versus

1. The Zonal Manager,
Punjab National Bank,
Zonal Office, Ludhiana.

2. The Regional Manager,
Punjab National Bank,
Amritsar.

3. The Branch Manager,
Punjab National Bank,
Rasulpur Kalan,
Amritsar.

.....Respondents

APPEARANCES :

For the Workman : Sh. Dhani Ram

For the Management : Sh. S. K. Verma

AWARD

In this reference, received from Govt. of India, vide their-No. 12012/163/92. IR (B-II) dt. 1-9-92. This Tribunal is required to adjudicate upon the following matter :—

“Whether the action of the management of Punjab National Bank in dismissing Sh. Shiv Darshan Pal from the services of the Bank w.e.f. 25-6-1990 is justified? If not, what relief the workman is entitled to?”

2. On the receipt of the reference notices were issued to the parties who appeared. The petitioner, workman, filed claim statement on 9-9-1992 against which the Management filed the written statement on 16-9-94. The petitioner filed replication and affidavit. The Management also filed two affidavits, on 22-2-96. The parties produced the witnessess. The petitioner appeared as his own witness whereas the Management produced Sh. J. K. Bhargawa as their witness.

3. In this between the management made an application opposing the appearance of a counsel on behalf of the workman. Before that application could be decided, the workman produced Sh. Dhani Ram as his representative and made the application infructuous.

4. The claim of the petitioner as made out in the statement of claim is that he had joined the services of the respondents bank on 15-4-71 and was appointed as Clerk in the year 1979. That in the year 1989, the workman was implicated in a false case of fraud when he was posted as Clerk-cum-Cashier, Rasulpur Kalan Branch, that he had been attacked upon by one Vijay Kumar, who, on pistol point, snatched Rs. 31,740. That no case about that incident was lodged against the workman even under Section 420 IPC. However, the workman was chargesheeted. That the Management recovered Rs. 9675 from said Vijay Kumar and the applicant was made to deposit Rs. 22,065 under fear and so as to save his service, which the Branch Manager had promised him, but despite that he was charge-sheeted and the enquiry was conducted, whereafter the workman was dismissed from service by the disciplinary authority on 25-6-90. His appeal, against the punishment, was also rejected by the Appellate Authority without the application of mind. That the punishment awarded to the workman was disproportionate to the offence alleged against the applicant as whole of the amount involved was recovered, therefore, no loss was caused to the Bank. That the parties did not take into consideration the previous conduct of the petitioner workman, during his long service of 18 years. That the workman was not allowed assistance of a legal expert nor the Management considered the reputation of Sh. Vijay Kumar, who had a bad reputation in the area.

5. The management has opposed the prayer of the petitioner and stated that the services of the petitioner are governed by Industry-wise award/Bi partite Settlement

and the said settlement contains the procedure for taking disciplinary action against the employees under para-19. That the Management followed the provisions of para-19 of the the Bi-partite settlement in letter and spirit. Therefore, the action of the Management cannot be questioned by present petition. The Management being a public institution working as custodian of public money. Therefore, its employees are required to maintain highest degree of integrity and whenever they do the lapse they deserve severest punishment. On facts, it is claimed by the Management that on the involvement of petitioner in a fraudulent act, while posted as Incharge, Rasulpur Kalan, branch of the respondents Bank, on 10-3-89, he was placed under suspension, chargesheeted on 20-3-89. That the workman admitted in his statement that, in fact, no incident of dacoity had taken place and the money so involved was shown to have been embazzled by him, with the help of one Vijay Kumar. The workman did not submit reply to the charge sheet, even when he was given sufficient time. Despite, that the departmental enquiry was conducted and in that regard appointing authority and presenting officers were appointed. In this report, the Enquiry Officer held that the charges against the workman were proved. The punishing authority, on the basis of the evidence produced, during the enquiry, proposed the punishment of dismissal. The disciplinary authority, after hearing the petitioner personally confirmed the punishment. On 25-6-90, the workman appealed against the verdict of the punishing authority. The Appellate Authority also gave personnal hearing to the petitioner. The appeal was, however, rejected on the basis of the evidence and the punishment awarded was confirmed.

6. Replying to the parawise claim of the workman the management submitted that the workman has given twist to the facts and his stated against the factual position. That the workman had admitted his omission and commission towards the conspiracy which he had hatched with the Vijay Kumar. That since the workman had admitted his guilt, therefore, no FIR was lodged. That the workman had handed over whole of the amount to Vijay Kumar and when finding that he cannot get an escape, he admitted his guilt and made good the amount embazzled. That the case was not got registered against the workman on his specific request and for the reason that the amount embazzled had been recovered. On the other hand the Management decided to hold disciplinary enquiry against the workman and the punishment of dismissal from service was handed over to him. In view of the facts and circumstances of the case that was done after giving him full Opportunity of hearing. That an employee having doubtful integrity cannot be accommodated in a financial institution, dealing in the public money. That the incident, though did no result into monetary loss to the bank but it definitely affected the faith of the public in it. Denying other assertions, made by the workman, in the petition, it

is submitted by the management that a proper enquiry was held. The workman was given full opportunity of hearing. Therefore, his dismissal was well justified. The management in the alternative submitted that, if the court is not satisfied about the manner the enquiry was held, they may be allowed to lead the evidence, to prove the misconduct of the workman.

7. The workman, in his rejoinder, did not raise any new claim nor he could do so. However, he tried to rebut the assertions made by the management and stated that the management did not consider the past service record of the workman nor the Enquiry Officer as well as disciplinary authority considered the same. That the person name Vijay Kumar was of bad character and was involved in terrorist activity. He again contested that he was provided with reasonable opportunity to file reply to the chargesheet or that since the workman was falsely implicated, therefore, no FIR was lodged against him.

8. The petitioner, in his statement, recorded on 19-3-2001 admitted the contents of affidavit exhibit Ex. W1; that of documents Ex. W2 to W10. In the cross-examination he stated that he is working with a transport company, that he had attended the enquiry proceeding, that exhibit Ex. W2 and W3 are the charge sheet. That he had signed on the typed proceedings, a copy of which was given to him. That the witnesses of the Management were examined in his presence and he had cross-examined them. That he was not allowed to defend himself by an advocate. He further stated that he does not remember whether he had given in writing that he will defend himself personally. He further stated that his statement and rejoinder were prepared by his representative, in English, but he has signed thereon. He further admitted that he had received the documents during the enquiry, and that he was given personal hearing by the disciplinary authority and before the passing of order in the appeal.

9. Sh. J. K. Bhargawa, who appeared for the Management proved his affidavit Ex. M1 and documents Ex. M2 to M16, placed on record and stated that the incident did not take place in his presence nor the workman had made any confession or statement in his presence.

10. Before, I proceed further, it may be noted here that in the order of reference, the name of the workman has been shown as Shiv Darshan Pal Singh, whereas the record of the file shows that the name of the workman is Shiv Darshan Pal Sharma and not Shiv Darshan Pal Singh. The Ministry of Labour also acknowledged this fact in the order of reference when they endorsed the copy of the reference to the workman in the name of Shiv Darshan Pal c/o Sh. D. R. Sharma, 551/41-A, Chandigarh. The workman has also given his name as Shiv Darshan Pal Sharma s/o Hans Raj Sharma R/o 3378/1, Gali Kakyzian, Katra Baghian, Ram Bagh, Amritsar. The discrepancy in the reference, therefore, is immaterial as the parties know each other and

the workman is to be taken as Shiv Darshan Pal Sharma s/o Hans Raj Sharma, r/o Ram Bagh, Amritsar.

11. From the pleadings of the parties and the evidence produced by them, it is made out that the parties do not dispute about certain facts and the controversy between them is not that wide as is shown in the order of reference. The statement of workman is quite relevant in this respect. He appeared as his own witness on 19-3-01 and stated that whatever facts, he has mentioned in his affidavit Ex. W1 and which are in the documents, placed on record, and exhibited as Ex. W2 to W10, are all correct. On cross-examination he stated that he is working for a transport company on payment in Delhi. Regarding the allegations against him he stated that he had participated in the enquiry proceedings initiated against him. He was provided with the copies of the proceedings and he had signed on the proceedings that Ex. W2 and Ex. W3 are the chargesheet which were served upon him; that the witnessess of the Management-Bank, had appeared and he had cross-examined them. He alleged that he was not allowed to engage a counsel; and that he does not remember whether he had, given in writing that he will defend himself personally. He admitted that the statement of claim was prepared for him, by his representative; that besides the rejoinder, he had signed thereon. He further admitted that he was given personal hearing by the disciplinary authority as well as by the Appellate Authority before the orders were passed against him.

12. From the statement of workman it is clear that after the alleged occurrence, a departmental enquiry was initiated against him in which the workman had participated. He was provided with the copies of the chargesheet, the enquiry proceedings and he had cross-examined the witnessess. He claimed to be knowing the contents of his statement of claim and rejoinder, but felt shy to admit/acknowledge, that he had given in writing that he will defend himself in the enquiry proceedings. He has not raised any grievance against the providing of opportunity to him by the disciplinary authority and the Appellate Authority, before passing the orders.

13. If, we revert back to the record, pertaining to the enquiry proceedings the photo-copies of which have been placed on record and were exhibited, at the instance of workman as W2, W3, W4, W6, W7, W8, W9, W10, it is clear that these documents had originated from the Management. There is also, on record, the photo-copies of the day-to-day proceedings, held by the Enquiry Officer, it includes the statements of the witnesses such as Capt. K.S. Gill, who was working as Security Officer of the respondent bank. The way this witness is shown to have been cross-examined by the workman is evident of the fact, that the workman had cross-examined the

witnesses elaborately. The enquiry proceedings further show that the workman took his time to cross-examine the witness and even sought adjournment on that score which were liberally granted. Even cursory look at the way the enquiry is shown to have been conducted, shows that the workman is not at all prejudiced; that he was provided with the copies of the proceedings. On record there is document M7 & M8 which are shown to be a confessional statements of the workman. It is true, that these documents were not put to the workman at the time he appeared as witness, but the workman also did not raise any grievance against these documents when the same were proved by Management's witness, J. K. Bhargawa, the workman only asked whether those confessional statements were made in his presence and the witness answered in the negative. There is nothing on record to show nor it is the claim of the Management that Mr. J. K. Bhargawa was present at the time of incident or at the time the workman is shown to have made the confessional statement. During the enquiry, the workman did not put any question about the confessional statements to the witness of Management and their genuiness has not been questioned, by the workman. Sh. K. S. Gill, management's witness stated that both these documents were drafted by workman Shiv Darshan Pal Singh, in his presence. Same was stated by the other witness who appeared for the Management.

14. From the evidence available on record it is therefore clear that the workman was posted as Clerk-cum-Cashier in the Rasulpur Kalan, Branch. On 10-3-89 he manipulated a incident of dacoity saying that an amount of Rs. 31,740 has been stolen by one Vijay Kumar, at the pistol point, but on enquiry by the bank official, it was proved that the incident shown to have occurred, did not occur and the incident was manipulated. The workman admitted this fact in his written statements, made to the Branch Manager, concerned. There is also evidence on record to show that, on the quick action, by the employees of concerned bank, an amount of Rs. 9675 was recovered from one Vijay Kumar and the rest of the amount was deposited by the workman himself, by vouchers, the copies of which are on record. The enquiry initiated against the workman proved, that there was no incident of dacoity and the story was concocted by the workman and ultimately the workman was held of it as guilty. He was punished for his misconduct and was dismissed from service.

15. The workman has come to this Tribunal with a grievance that he was involved in a fabricated case of fraud. When actually it was a case of dacoity; that the Management did not report the matter to the Police even they did not register the case of cheating against him. They further did not proceed against Vijay Kumar from whom, the part of the amount was recovered; and that

the workman was made to deposit the balance amount by coercion. That the Management also did not enquire about the reputation of Vijay Kumar nor they allowed the workman, the assistance of a counsel. In the end he claimed that the Management did not took into consideration his long and unblemished service of 18 years which he had rendered to the bank and the punishment awarded was disproportionate to the alleged guilt, in any case. However, the workman has failed to produce any evidence to substantiate these allegations. In the enquiry he examined witnesses in his defence, who could not say anything about these claims made by him and stated only about the arranging of money for the workman, which he had deposited with the bank. In this Tribunal he did not even produce those witnesses. There has also come no evidence on record to show that the earlier service career of the workman was unblemished and sincere.

16. It is a fact, that working in the Financial Institutions is run on trust. Institutions like banks, are the custodian of public money and those who run them are answerable to the public. Nowhere, an employee, who is not sincere to his Master and commits frauds, can be tolerated, much less in the Financial Institutions. After, going through the evidence, brought on record, I am satisfied that the Management did not commit any lapse in holding the enquiry against the workman, who was Chief Architect of the conspiracy, in committing fraud on his employer, for an amount of money, more than thirty thousand which he was keeping in trust for the customers.

17. During the course of the arguments, even the representative of the workman could not say anything substantial against the manner in which the enquiry was conducted. He alleged that the bank did not report the matter to police. Otherwise the truth would have come out and that prejudiced the workman. I am not convinced with this submission, because if the public institution get themselves involved in police enquiries and court cases, it does not add to their reputation. It has been noticed that the public money is generally wasted in such proceedings and nothing useful comes out. So, if the respondents decided not to report the case for investigation especially when their money had been recovered; they perhaps were the best judges, to take that option. It may have also been done because the Management was satisfied, on their own enquiry, with the assistance of their own Security Staff, that it was not a case of dacoity, but of fraud committed by their own employee, who wanted to cover up his embezzlement by a manipulated case of dacoity.

18. The representative of the workman then argued that the workman had faithful service of 18 years,

it his credit, when the alleged occurrence took place and the punishment handed over to him is disproportionate to the guilt. He relied upon a judgement passed by Central Administrative Tribunal, Ahmedabad, in the case of Abdul Maganbhai Rathod Vs. Union of India, a photocopy of which has been placed on record. After going through this Judgement, I am convinced that the facts of the case, pending before the Administrative Tribunal, Ahmedabad, were quite different. In that case the enquiry officer had failed to provide the copies of certain documents to the workman and the order had been passed on the basis of statement of applicants, recorded in the preliminary enquiry. It was in those circumstances that the learned Judges held that since copy of the FIR and the documents were not provided to the petitioner, therefore, he could not effectively cross-examine the witnesses of the employer. They took the support of a Judgement passed by the Hon'ble Supreme Court in a case reported as Raizada Trilok Nath Vs. Union of India. This is not the position in the present case, since by his own admission, the workman stated before this Tribunal that he had participated in the enquiry proceedings, that he was provided with the copies of the charge sheet, copies of the documents and the copies of other proceedings. Thus, the workman was not prejudiced in any manner, in the enquiry, held against him, therefore, the Judgement relied upon by the representative of the workman, is not helpful to him. The workman has failed to show me that the punishment given to him is otherwise disproportionate to the guilt, proved against him. As stated earlier, no punishment is less where the money is involved, otherwise, it will be very difficult to control the corrupt trend, the society is aheading. The money which has less purchasing power, has become more dear to the people and they are adopting all fair and foul means to collect the same. Every now and then we read about scams after scams, frauds after frauds, being committed in the public as well as private institutions, in Govt. Departments and in such a situation how the Managers of the Financial Institutions can control when the guilty are let loose by the courts on technical grounds.

19. After going through all the evidence available on the file, I answer the reference, in the positive terms, holding that the action of the management of the Punjab National Bank, in dismissing Sh. Shriv Darshan Pal Singh, from the services of the Bank w.e.f. 25-06-90 was justified and the workman is not entitled to any relief. The award is accordingly passed. Let a copy of it be sent to Govt. of India for necessary action and file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2004

उपस्थित

का.आ. 2532.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 23/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-9-2004 को प्राप्त हुआ था।

[सं. एल-12012/387/90-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13 September, 2004

S.O. 2532.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 23/91) of the Industrial Tribunal, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 13-9-2004.

[No. L-12012/387/90-IR(B-II)]

C. GANGADHARAN, Under Secy.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

क्रमांक केस नं. आई. टी. 23/91

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्र. एल- 12012/387/90-आई.आर. (बी-2) दिनांक 5-4-91.

कुमारी प्रेमलता अग्रवाल पुत्री श्री गोपीलाल जी अग्रवाल मार्फत बैंक ऑफ बड़ौदा स्टाफ यूनियन, अजमेर यूनिट, अजमेर।

... प्रार्थी

बनाम

1. शाखा प्रबन्धक, बैंक ऑफ बड़ौदा शाखा शाहपुरा, जिला भीलवाड़ा
2. क्षेत्रीय प्रबन्धक, (अजमेर क्षेत्र) बैंक ऑफ बड़ौदा पी. बी. नं. 164 स्टेशन रोड, अजमेर।
3. सहायक महाप्रबन्धक, बैंक ऑफ बड़ौदा, अंचल कार्यालय, जयपुर।

... अप्रार्थीगण

पीठासीन अधिकारी : श्री पी. एल. हिस्सारिया, आर. एच. जे. एस.

प्रार्थी की ओर से : श्री जे. एल. शाह

अप्रार्थीगण की ओर से : श्री अर. सी. फाफडीवाल

दिनांक अर्थात् : 16-3-2004

अर्थात्

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न विवाद इस न्यायाधिकरण को अधिनियमित किया गया है :

"Whether the action of the management of Bank of Baroda in terminating the services of Miss Premalata Agarwal, ex-clerk in their Shahpur branch (Bhilwara) w.e.f. 5-1-87 is just and legal? If not, to what relief is the worker concerned entitled to?"

2. रैफरेंस दर्ज रजिस्टर किया जाकर पक्षकारों को नोटिस जारी किये गये।

प्रार्थीया ने स्टेटमेंट ऑफ क्लेम पेश कर अभिकथन किया है कि उसकी नियुक्ति चयन मण्डल द्वारा चयन किये जाने पर बैंक ऑफ बड़ौदा की रेलवे कैम्पास अजमेर शाखा में दिनांक 28-2-85 को क्लर्क के पद पर हुई थी। प्रार्थीया को दो नियुक्ति पत्र दिये गये, प्रथम नियुक्ति पत्र में ट्रेनिंग व बाद में पोस्टिंग की कोई बात नहीं थी, दूसरे नियुक्ति पत्र में अलग से ट्रेनिंग व पोस्टिंग की बात जोड़ी गई थी व बदैनियतीपूर्ण थी। प्रार्थीया का कथन है कि उसका स्थानान्तरण सितम्बर 1985 में शाहपुरा जिला भीलवाड़ा कर दिया। प्रार्थीया ने कई पत्र लिखकर स्थानान्तरण रद्द करने की प्रार्थना की किन्तु उन पर गौर नहीं किया गया तो उसने शाहपुरा शाखा में ड्यूटी जोइन कर ली किन्तु उसका स्वास्थ्य खराब हो गया अतः प्रार्थीया ने उसने 1-10-85 से 5-10-85 तक का अवकाश स्वीकार करने का प्रार्थना पत्र भेजा था और समय-समय पर अवकाश अवधि बढ़ाने हेतु मेडिकल प्रमाण पत्र के साथ प्रार्थना पत्र प्रेषित किये किन्तु बिना उन पर गौर किये प्रार्थीया को आरोप पत्र जारी कर दिया जिसमें सेवा से अनुपस्थित रहने का आरोप लगाया गया और आदेश दिनांक 5-1-87 द्वारा उसे बैंक सेवा से मुक्त कर दिया। प्रार्थीया का कथन है कि उसकी सेवा मुक्ति अनुचित व अवैध है क्योंकि प्रार्थीया के प्रथम नियुक्ति आदेश में ट्रेनिंग व पोस्टिंग का कोई उल्लेख नहीं था, उसकी नियुक्ति स्पष्ट तौर पर अजमेर शाखा में रिक्त पद पर की गई थी तथा उसकी नियुक्ति स्थाई तौर पर क्लर्क कम कैशियर के पद पर हुई थी व उसका काम संतोषजनक था तथा आदेश क्रमांक 317 दिनांक 21-9-85 स्पष्ट रूप से स्थानान्तरण आदेश है और अनुचित है क्योंकि अविवाहित महिलाओं/युवतियों के बाहर स्थानान्तरण की प्रथा नहीं है। प्रार्थीया का कथन है कि उसे सेवा मुक्त करने से पूर्व विभागीय जांच नहीं की गई तथा सेवा मुक्ति आदेश द्विपक्षीय समझौते के प्रावधानों के विपरीत है, अतः उसके खिलाफ

पारित सेवा मुक्ति आदेश दिनांक 5-1-87 को अनुचित व अवैध होने के कारण निरस्त किया जावे व उसे पूरे वेतन व अन्य लाभ सहित पुनः सेवा में बहाल किया जावे।

3. अप्राथी बैंक ने क्लेम का जवाब पेश कर अभिकथन किया है कि प्राथीया की नियुक्ति बैंक के पत्र दिनांक 28-2-85 के द्वारा कैशियर-कम-क्लर्क के पद पर रेलवे कैम्पस अजमेर ब्रांच पर की गई थी और उसने 6-3-85 को सेवाएं जोड़ने की। उनका कथन है कि अजमेर में प्राथीया को पोस्टिंग इण्डकेशन/ट्रेनिंग परपत्र हेतु पदस्थापित किया गया था, उसे कोई दो नियुक्ति पत्र नहीं दिये गये बल्कि 28-2-85 को दो पत्र दिये गये थे जिनमें एक पत्र में उन्हें बैंक में कैशियर-कम-क्लर्क के पद पर चयनित किये जाने की सूचना व कुछ हिदायतें थी और दूसरा पत्र नियुक्ति बाबत था उसमें सेवा शर्तों का उल्लेख था जिन्हें स्वीकार करके ही प्राथीया ने अपना कार्य ग्रहण किया था। अप्राथी का कथन है कि ट्रेनिंग समाप्त होने के बाद प्राथीया का स्थाईकरण करने के पश्चात् बैंक की शाखा में पदस्थापित किये जाने का निर्णय लिया जाकर उसे शाहपुरा शाखा में पदस्थापित किया गया जहां उसने अपना कार्यभार दिनांक 20-9-85 को संभाला। यदि इसे स्थानान्तरण भी माना जावे तो भी वह सेवा शर्तों का एक अभिन्न अंग है, अतः स्थानान्तरण का विरोध नहीं किया जा सकता, सेवा शर्तों के अनुसार प्राथीया को किसी भी शाखा में स्थानान्तरित किया जा सकता था। उनका कथन है कि प्राथीया ने 1-10-85 से 5-10-85 तक का अवकाश स्वीकृत करने हेतु प्रार्थना पत्र दिनांक 6-10-85 को अन्य प्रार्थना पत्र पेश कर 14 दिन का और अवकाश चाहा, चूंकि शाहपुरा ब्रांच का कार्य बिगड़ रहा था, अतः तार द्वारा प्राथीया को सूचित किया गया कि वे अपनी इयूटी जोड़ने करें, प्राथीया ने इयूटी 12-10-85 को जोड़ने भी की किन्तु उसी दिन फिर अवकाश का प्रार्थना पत्र पेश किया पुनः उसे सूचित किया गया कि वह अपना मेडीकल चैकअप करावे अन्यथा उनका अवकाश स्वीकृत नहीं किया जाएगा किन्तु प्राथीया ने उक्त आदेशों की अवहेलना की और उसे बिना वेतन पर माना गया, प्राथीया येन केन प्रकारेण अपने कार्यस्थल पर उपस्थित नहीं होना चाहती थी और वे फिर भी अवकाश प्रार्थना पत्र देती रहीं। अप्राथी का कथन है कि प्राथीया को रीजनल मैनेजर के निर्देशों की अनुपालना में प्राथीया को सूचित किया गया कि वो दिनांक 14-10-85 से बिना अवकाश स्वीकृत कराए अनुपस्थित चल रही हैं और बावजूद आदेशों के कार्य पर उपस्थित नहीं हो रही हैं अतः उपस्थित होकर तुरंत स्पष्टीकरण प्रस्तुत करें तो उन्होंने पत्र द्वारा सूचित किया कि वह बीमार चल रही हैं और मेडीकली फिट नहीं हैं अतः उनका अजमेर स्थानान्तरण किया जावे। अप्राथी का कथन है कि जब प्राथीया दिनांक 2-1-86 तक कार्य पर उपस्थित नहीं हुईं तो उन्हें कारण बताओ नोटिस 2/3 जनवरी 1986 को ए.डी. द्वारा जारी किया गया कि क्यों न उसकी सेवाएं समाप्त कर दी जावें। प्राथीया ने पुनः यही जवाब दिया कि वह बीमार हैं, इस प्रकार उनका कथन है कि वह बार-बार प्रार्थना पत्र देती रही और दिनांक 10-3-86 को कार्य पर उपस्थित हुईं और फिर 13-3-86 तक कार्य किया फिर अवकाश का प्रार्थना पत्र दे दिया जिसे अस्वीकार कर देने के बावजूद भी प्राथीया उपस्थित नहीं हुईं और अवकाश का प्रार्थना पत्र भेज दिया। उसके बाद

शाहपुरा ब्रांच मैनेजर द्वारा प्राथीया को दिनांक 14-3-86 को अवकाश अस्वीकृत करने की सूचना भेजी गई और कार्य पर उपस्थित होने की सूचना दी गई किन्तु फिर भी वह लापरवाह रही और उपस्थित नहीं हुईं, ऐसे में प्राथीया की सेवाएं जबने हित में बैंक लेने से वंचित रहा और बैंक को काफी कठिनाई व असुविधा हो रही थी अतः दिनांक 5-1-87 को आदेश से प्राथीया की सेवाएं अस्थायी लगातार/रैकॉर्ड अस्थायी के आधार पर समाप्त कर दी गई जो कार्यवाही उचित व वैध है।

4. क्लेम की पुष्टि में प्राथीया सुश्री प्रेमलता ने अपना स्वयं का शपथ पत्र पेश किया है जिससे अप्राथी बैंक के प्रतिनिधि ने जिरह की है और अप्राथी बैंक की ओर से श्री आर. सी. शर्मा प्रबन्धक (कार्मिक) क्षेत्रीय कार्यालय अजमेर का शपथ पत्र पेश किया गया है जिससे प्राथीया के विद्वान प्रतिनिधि ने जिरह की है दोनों ओर से दस्तावेजात पेश किये गये हैं जिनमें नियुक्ति पत्र, अवकाश के प्रार्थना पत्र व पत्रों के उत्तर प्रत्युत्तर आदि हैं।

5. मैंने दोनों पक्ष के विद्वान प्रतिनिधिगण द्वारा प्रस्तुत लिखित बहस एवं पत्रावली का भली भांति अवलोकन किया। प्रस्तुत किये गये प्रोद्धारों को भी आदर सहित पढ़ा।

6. हमारे समक्ष मुक्त चिन्तन केवल यह है कि क्या प्राथीया सुश्री प्रेमलता अप्राप्त वह सेवा मुक्ति आदेश दिनांक 5-1-87 विधिक एवं उचित है या नहीं? प्राथीया ने जो शपथ पत्र क्लेम की पुष्टि में पेश किया है, उसके अनुसार उसका कथन है कि उसकी नियुक्ति रेलवे कैम्पस शाखा अजमेर में क्लर्क के पद पर की गई थी जहां वह मेहनत व ईमानदारी से कार्य करती रही, उसे दो नियुक्ति आदेश दिये गये थे जिसमें पहले में ट्रेनिंग व पोस्टिंग की कोई शर्त नहीं थी और दूसरे में ट्रेनिंग के बाद पोस्टिंग का अलग से लिखा हुआ था। बाद में उसका स्थानान्तरण सितम्बर, 1985 में अजमेर से शाहपुरा कर दिया गया, वह अविवाहित व अकेली होने के कारण शाहपुरा शाखा में कार्य करना उसके लिए संभव नहीं था और बीमार रहने लगी व शाहपुरा में जोड़ने करने के पश्चात् उसने अवकाश लिये और बीमारी के कारण समय-समय पर अवकाश बढ़ाने के प्रार्थना पत्र दिये, एक प्रार्थना पत्र दिनांक 5-10-85 का 14 दिन के अवकाश का भेजा जो प्रदर्श डबल्यू-8 है, फिर 14-10-85 को 15 दिन के अवकाश का प्रार्थना पत्र प्रदर्श डबल्यू-9 भेजा, इसके साथ मेडीकल प्रमाण पत्र प्रदर्श डबल्यू-10 भेजा। जिरह में उसने स्वीकार किया है कि उसके पास चिकित्सा के प्रैसक्रिप्शन नहीं है, उसे कमजोरी तथा ठण्डा खाप था, उसने हमेशा दवाई नहीं ली, दवाइयों के बिल पेश नहीं किये हैं, दवाई, कैप्सूल आदि के नाम यद नहीं हैं। उसे 10-10-85 को तार द्वारा इयूटी जोड़ने करने को कहा गया था तब उसने 12-10-85 को इयूटी जोड़ने की, 14-10-85 से बीमार होने के कारण काम पर नहीं गई। 24-10-85 को तार मिलने पर वह आर.एम. ऑफीस गई थी जहां उसे कहा गया कि शाहपुरा में जोड़ने करें, उसे मेडीकल चैकअप कराने का कहा था, और उसने जांच करवाई थी।

7. यहां विवादित प्रश्न दिनांक 5-1-87 को सेवा मुक्ति आदेश है जिसमें प्राथीया की अनुपस्थिति के कारण सेवा मुक्ति किया जाना अंकित नहीं है बल्कि लंबे समय से बीमार होने के कारण कार्य करने में व उसकी सेवाएं नहीं लिये जा सकने के कारण बैंक को हो रही

कठिनाई के कारण उसे नोटिस दिये जाने के बावजूद उपस्थिति नहीं देने व नोटिस का जवाब नहीं देने के कारण सेवा मुक्ति की गई है। प्रार्थीया का तर्क है कि उसका स्थानान्तरण गलत किया गया है, बैंक को स्थानान्तरण करने का अधिकार नहीं था; बैंक के प्रतिनिधि का तर्क है कि उसका स्थानान्तरण नहीं किया गया बल्कि ट्रेनिंग के पश्चात् उसे शाहपुरा पदस्थापित किया गया। यहां मेरे समक्ष यह विवाद बिन्दु नहीं है कि उसका स्थानान्तरण किया गया या पदस्थापन किया गया। वैसे स्थानान्तरण करने का भी बैंक को अधिकार है और उन आदेशों की अनुपालना में प्रार्थीया ने शाहपुरा में अपनी ड्यूटी भी जोड़ने की है, उसके पश्चात् वह लंबे समय तक अनुपस्थिति रही है और बीमारी के कारण अवकाश के प्रार्थना पत्र भेजे हैं जो स्वीकार नहीं किये गये। उसे दिनांक 30-1-86 को बैंक द्वारा नोटिस दिया गया जिसका कोई जवाब प्रार्थीया ने नहीं दिया तब दिनांक 5-1-87 को बीमारी के कारण सेवाएं नहीं देने का बताते हुए प्रार्थीया की सेवा मुक्ति की गई है।

8. अब प्रश्न यह है कि बिना विभागीय जांच किये सेवा मुक्ति का यह आदेश क्या प्राकृतिक न्याय सिद्धान्तों के विपरीत है अथवा नहीं और क्या ऐसा आदेश बैंक को पारित करने का कोई अधिकार था? विद्वान प्रतिनिधि अप्रार्थी ने अपने तर्क में अंकित किया है कि प्रार्थीया का यह सेवा मुक्ति आदेश छंटनी की परिभाषा में नहीं आता है इसलिए धारा 25-एफ औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम संशोधित किया जा रहा है) के प्रावधान इस पर लागू नहीं होते क्योंकि धारा 2(00) में छंटनी को परिभाषित किया गया है और उसमें 00(सी) में यह अंकित किया गया है कि लगातार बीमारी व अस्वस्थता के आधार पर कर्मचारी की सेवा मुक्ति छंटनी की तारीफ में नहीं आती इसलिए यह छंटनी नहीं है। विद्वान प्रतिनिधि ने यह भी तर्क अंकित किया है कि द्विपक्षीय समझौते के अधीन भी लंबी अवधि तक बीमारी के आधार पर अनुपस्थित रहने के कारण सेवा मुक्ति करने का उन्हें अधिकार है और ऐसे में विभागीय जांच की आवश्यकता नहीं है और प्राकृतिक न्याय के सिद्धान्तों की अवहेलना उन्होंने नहीं की है। अपने तर्कों के समर्थन में विद्वान प्रतिनिधि ने निम्न प्रोद्घरण प्रस्तुत किये हैं :

- 1- पंजाब एवं सिंध बैंक व अन्य बनाम शखार सिंह (2001) 1, एस.सी.सी. 214
- 2- डॉ० श्रीमती दक्षा सांखला बनाम जय नारायण व्यास यूनीवर्सिटी जोधपुर, 2001 (4) डब्ल्यू एल.सी. (राज०) 417 (हैड नोट-ख)
- 3- दी सिंडीकेट बैंक बनाम जनरल सेक्रेटरी, सिंडीकेट बैंक स्टाफ एसोसिएशन 2000 (5) एस.सी.सी. 65
- 4- नटराजन बनाम पीठासीन अधिकारी व अन्य, 2001 (88) एफ.एल.आर. 177 (मद्रास)
- 5- इंद्र देव यादव बनाम नेशनल थर्मल पावर कॉर्पोरेशन लि०, 2002-IV, एल.एल.जे. (सप्ली) - एन.ओ.सी.-71 (मान० दिल्ली उ०न्या०)।

9. इसके प्रतिकूल विद्वान प्रतिनिधि प्रार्थीया के तर्क हैं कि प्रार्थीया की सेवा मुक्ति अनुपस्थिति के आधार पर की गई है जिसकी

कोई विभागीय जांच नहीं की गई, जब कि वह बीमारी के कारण अनुपस्थित रही थी और अनुपस्थिति के मुद्दे पर ही उसकी सेवा मुक्ति की गई है, उसे सुनवाई का अवसर नहीं दिये जाने के कारण प्राकृतिक न्याय के सिद्धान्त का हनन हुआ है और बैंक को ऐसा सेवा मुक्ति आदेश पारित करने का अधिकार नहीं है। अपने तर्कों के समर्थन में विद्वान प्रतिनिधि ने निम्न प्रोद्घरण प्रस्तुत किये हैं :

- 1- एल.एल.जे. I 1996 पेज 152 (मान० राज० उच्च न्या०) राजस्थान स्टेट इलैक्ट्रिसिटी बोर्ड बनाम जग, लेबर कोर्ट।
- 2- एल.एल.जे. II 1993 पेज 74 (मान० इलाहाबाद उच्च न्या०) हिन्दुस्तान अल्फ़ूमीनियम कार्पोरेशन लि० रेगुलैट बनाम औद्योगिक न्यायाधिकरण
- 3- लैब.आई.सी. 1996 पेज 1319 (मान० दिल्ली उच्च न्या०) बी. जी. सारस्वत बनाम इंजीनियर्स इंडिया लि०
- 4- लैब.आई.सी. 1994 पेज 561 (मान० गुजरात उच्च न्या०) एस.एन. जेजूकार बनाम डायरेक्टर नेशनल केडेट कॉर्पस
- 5- एल.एल.एन. I 1991 पेज 1999 (मान० उड़ीसा उच्च न्या०) बिसरा स्टोन लाईम क० लि० बनाम उनके श्रमिकगण
- 6- एल.एल.एन. I 1992 पेज 780 (मान० दिल्ली उच्च न्या०) ललित मोहन पुरी बनाम प्योर डिक्स (न्यू दिल्ली) लि०।

10. मैंने उक्त प्रोद्घरणों को आदर सहित पढ़ा। विद्वान प्रतिनिधि प्रार्थीया द्वारा प्रस्तुत सभी प्रोद्घरणों के तथ्य भिन्न हैं इसलिए उनमें प्रतिपादित सिद्धान्तों से प्रार्थीयों को कोई लाभ नहीं पहुंचता क्योंकि बीमारी के आधार पर अनुपस्थित रहने के कारण अनुपस्थिति को आधार मानते हुए सेवा मुक्ति आदेश पारित नहीं किया गया है बल्कि लम्बी अवधि से बीमार रहने पर सेवा न दे सकने के कारण प्रार्थीया की सेवा मुक्ति की गई है। जहां तक शाहपुरा पदस्थापित अथवा स्थानान्तरित किये जाने का प्रश्न है, किसी कर्मचारी का यह विधिक या नैसर्गिक अधिकार नहीं है कि वह अपने मनवांछित स्थान पर पदस्थापित रहे या मनवांछित समय में कार्य करे। जैसा कि विद्वान प्रतिनिधि बैंक ने उपरोक्त प्रोद्घरण प्रस्तुत किये हैं, उनमें माननीय उच्चतम न्यायालय ने भी यही सिद्धान्त प्रतिपादित किया है कि यदि सेवा मुक्ति आदेश छंटनी की तारीफ में नहीं आता और लम्बे समय तक बिना अवकाश स्वीकृत कराये प्रार्थीया अनुपस्थित रही हैं तो ऐसी सूरत में सेवा मुक्ति से पूर्व जांच की आवश्यकता नहीं है। प्रस्तुत प्रकरण में प्रार्थीया बिना अवकाश स्वीकृत कराये लम्बे समय तक अनुपस्थित रही है, प्रार्थीया को 30-1-86 को नोटिस भी दिया गया है जिसका भी प्रार्थीया ने कोई जवाब नहीं दिया है न ही उसने ड्यूटी जोड़ने की, तब लगभग एक वर्ष पश्चात् दिनांक 5-1-87 को बीमारी के कारण कार्य नहीं कर सकने के कारण उसके विरुद्ध सेवा मुक्ति आदेश पारित किया गया है जिसका बैंक को अधिकार है और इसके लिए विभागीय जांच की आवश्यकता नहीं थी, प्राकृतिक न्याय के सिद्धान्त का हनन नहीं हुआ है। इस प्रकार हमारी विनम्र राय में बैंक द्वारा पारित आदेश दिनांक 5-1-87 जो प्रार्थीया की सेवा मुक्ति से संबंधित है, पूर्णतया उचित व विधिक है और प्रार्थीया कोई अनुतोष प्राप्त करने की अधिकारिणी नहीं है।

11. उपरोक्त विवेचन के आधार पर प्रकरण में निम्न अवार्ड पारित किया जाता है :

"बैंक ऑफ़ इंडिया के प्रबन्धतंत्र द्वारा प्रार्थीया सुश्री प्रेमलता अग्रवाल के विरुद्ध, जो कि पूर्व लिपिक थी, दिनांक 5-1-87 के आदेश से उनको सेवा मुक्त करने की कार्यवाही उचित एवं विधिक है, प्रार्थीया कोई राहत प्राप्त करने की अधिकारिणी नहीं है।"

12. अवार्ड आज दिनांक 16-3-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार की प्रकाशनार्थ नियमानुसार भेजा जावे।

पी. एल. हिस्सारिया, न्यायाधीश

नई दिल्ली, 13 सितम्बर, 2004.

का.आ. 2533.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 1/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-9-2004 को प्राप्त हुआ था।

[सं. एल-12025/1/2004-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th September, 2004

S.O. 2533.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/94) of the Industrial Tribunal Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 13-9-04.

[No. L-12025/1/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL JAIPUR

C.I.T. Complaint No. 1/94 (Old No. 22/91)

Nand Lal Goel,
C/o Punjab National Bank,
Kashmiri Gate, Delhi-110001

...Applicant

Vs.

The Regional Manager,
C/o Punjab National Bank,
F-14, Competent House, New Delhi

....Non-applicant

Complaint u/s 33-A and Sec. 33(3) of the
Industrial Disputes Act, 1947

PRESENT :

Presiding Officer : P. L. Hissaria, RHJS

For the Applicant : Shri Nand Lal Goel,
workman

For the Non-applicant : Shri J. K. Chaddha

Date of Award : 4th March, 2004

AWARD

1. The applicant has filed a complaint under Section 33-A of Industrial Disputes Act, 1947 (hereinafter to be referred as an Act) before the Central Government Industrial Tribunal, New Delhi on 27-2-91. The complaint was transferred to this Tribunal by the competent Government and thereafter registered here on 29-9-94. The brief facts of the complaint are that the complainant was the General Secretary of P.N.B. Karamchari Union, Delhi and has to fight the rights of the employees with the management. There were some complaints and reference pending between the parties before the Central Industrial Tribunal, Labour Court and in the Civil Court for adjudication and the complainant was attending these matters for the union. Therefore, the management was prejudice to complainant and made a threat to complainant to remove from the service including illegal suspension etc. Miss Anjali Saxena and Shri M.K. Jain threatened the complainant on 6-2-91. Therefore, the complainant filed this application before the Central Industrial Tribunal, Delhi praying to protect the life and service of the complainant from the hand of the accused persons. It was further prayed in the application that illegal, unlawful and malafide suspension order of the complainant be revoked including all wages.

2. The management has filed the reply of the complaint. According to the reply of the management the application filed by the applicant is mis-conceived and bad in law having no substance. The application has been filed beyond the scope of the jurisdiction of the Tribunal and the complaint is not as per the provisions of the Act. There is no change in the service conditions of the complainant. the suspension order of the complainant has been done as the service conditions applicable to him and there is no violation of the same. The whole application of the complainant is mis-leading and wrong, the allegations levelled against the management are vague and baseless. The complainant is not the General Secretary of the P.N.B. Karamchari Union, Delhi and he is not a protected workman as per the provisions of the Act. The management has urged to dismiss the complaint.

3. The complainant has filed the rejoinder of the reply of the management and again prayed for the claims and damages.

4. I have heard the arguments from both the sides and gone through the file thoroughly.

5. Sections 33-A and 33 (3) of the Act are as follows :

33-A : Special Provision for adjudication as to whether conditions of service etc. changed during pendency of proceedings.—Where an employer contravenes the provisions of Section 33 during the pendency of proceedings before a conciliation officer, Board, an arbitrator, Labour Court, Tribunal or National Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, (in the prescribed manner,—

- (a) to such conciliation officer or board and the conciliation officer of Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and
- (b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the Appropriate Government and the provisions of this Act shall apply accordingly).

Section 33 : Conditions of service, etc. to remain unchanged under certain circumstances during pendency of proceedings—

- (3) Notwithstanding anything contained in sub-section (2), no employer shall, during the pendency of any such proceeding in respect of an industrial dispute, take any action against any protected workman concerned in such dispute—

- (a) by altering, to the prejudice of such protected workman, the conditions of service applicable to him immediately before the commencement of such proceedings; or
- (b) by discharging or punishing, whether by dismissal or otherwise, such protected workman, save with the express permission in writing of the authority before which the proceeding is pending.

Explanation—For the purposes of this sub-section, a “protected workman”, in relation to an establishment means a workman who, being (a member of the executive or other office bearer) of a registered trade union connected with the establishment, is recognised as such in accordance with rules made in this behalf.

6. On bare persual or simple reading of these sections, the complaint under Section 33-A or 33(3) of the Act can only be filed if the management has altered the conditions of the service applicable to the protected workman or has discharged him or punished him whether by dismissal or by otherwise to such protected workman under Section 33(3) of the Act. Likewise under Section 33-A when any proceeding is pending before the Conciliation Officer, Board, arbitrator, Labour Court, Tribunal or National Tribunal and employer contravenes the provisions of Section 33 during the pendency of proceedings, any employees aggrieved by such contravention, may make a complaint in writing.

7. Here in this case, there is no evidence that the complainant was General Secretary of the Union and was a protected workman, hence Section 33(3) of the Act is not applicable in this case nor the employer has altered the conditions of service applicable to him, nor he has discharged or punished by way of dismissal or otherwise. To suspend an employee is not a punishment. This Section 33(3) of the Act is not applicable.

8. As far as Section 33-A is concerned, though it is not a disputed that some proceedings were pending in between the parties before the Labour Court or Tribunal etc., but as has already been stated above that suspension order is not a punishment and it does not amount to alter the service conditions of the employee. Hence management has not contravened the provisions of Section 33 of the Act, therefore, the application is not maintainable under Section 33-A of the Act.

9. On the basis of above discussions, following award is passed in this case :

“The complaint filed by Shri Nand Lal Goel under Section 33-A of the Act is not maintainable, hence rejected. The complainant is not entitled to any relief.”

10. Award pronounced in the open court this the 4th day of March, 2004. A copy of the Award be sent to the Central Government as per rules.

P.L. Hissaria, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2004

का.आ. 2534.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 2/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-9-2004 को प्राप्त हुआ था।

[सं. एल-12025/1/2004-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th September, 2004

S.O. 2534.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/94) of the Industrial Tribunal Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 13-9-04.

[No. L-12025/1/2004-IR(B-II)]
C. GANGADHARAN, Under Secy.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 02/94

पंजाब नेशनल बैंक कर्मचारी यूनियन,
दिल्ली

... प्रार्थी

बनाम

श्री गणपति शर्मा व अन्य।

... अप्रार्थीगण

उपस्थित

पीठासीन अधिकारी : श्री पी. एल. हिस्सारिया, आर.
एच. जे. एस.प्रार्थी की ओर से : श्री के.एल. गोवर व
श्री नन्द लाल गोयल

अप्रार्थी बैंक की ओर से : श्री जे.के. चव्हा

दिनांक अवार्ड : 4-3-2004

अवार्ड

1. दोनों पक्षों के प्रतिनिधि उपस्थित। रैफरेंस सं. 1/94 व एम.आई.टी. 1/94 को पत्रावलियों में निर्णय लिखाया जाकर पक्षकारानु को सुनाया गया है। इस प्रकरण में दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का ध्यानपूर्वक अवलोकन किया।

2. पंजाब नेशनल बैंक कर्मचारी संघ की ओर से यह प्रार्थना पत्र श्री गणपति शर्मा व अन्य बैंक अधिकारियों के विरुद्ध धारा 340 दण्ड प्रक्रिया संहिता एवं धारा 25 टी व 25 यू औद्योगिक विवाद अधिनियम, 1947 के अन्तर्गत केन्द्रीय औद्योगिक न्यायाधिकरण, नई दिल्ली के समक्ष पेश किया गया था, जिसे धारा 33-ए अधिनियम का प्रार्थना पत्र मानकर दर्ज किया गया जो बाद में अनुकूल सरकार (स्प्रोप्रियेटेड गर्वनमेंट) द्वारा इस अधिकरण में अंतरित किये जाने पर पत्रावली आने पर इस अधिकरण में धारा 33-ए औद्योगिक विवाद अधिनियम के अन्तर्गत 2/94 पर दर्ज किया गया। यह मामला धारा 33-ए औद्योगिक विवाद अधिनियम का नहीं है बल्कि आपराधिक कृत्य के लिए कर्मचारी संघ द्वारा बैंक अधिकारियों के विरुद्ध न्यायालय द्वारा परिवाद प्रस्तुत किये जाने की प्रार्थना बाबत है।

3. इस प्रार्थना पत्र का जवाब बैंक कर्मचारियों की ओर से प्रस्तुत किया गया है जिसके अनुसार परिवादी द्वारा एडिशनल मैट्रो

पोलीटन मजिस्ट्रेट, शाहदरा, दिल्ली के यहां इस संबंध में परिवाद सं. 162/93 अपराध अन्तर्गत धारा 471, 499, 500, 192, 409, 420, 109, 120(बी), 177, 211, 389, 202 भारतीय दंड संहिता एवं धारा 29, 31, 32, 25 व 4 औद्योगिक विवाद अधिनियम का पहले से लंबित है जो परिवादी द्वारा पेश किया हुआ है अतः इस संबंध में दूसरा विवाद नहीं चल सकता। उनका कथन है कि वैसे भी इस न्यायालय में इस प्रकार की कार्यवाही के लिए परिवादी सक्षम नहीं है, यह परिवाद धारा 33-ए, औद्योगिक विवाद अधिनियम 1947 के अन्तर्गत श्रेणी में नहीं आता है और खारिज किये जाने योग्य है, अतः खारिज किया जाता है; और मामले में निम्न अवार्ड पारित किया जाता है :

“पंजाब नेशनल बैंक कर्मचारी यूनियन, कश्मीरी गेट दिल्ली द्वारा प्रस्तुत प्रार्थना पत्र अन्तर्गत धारा 33-ए औद्योगिक विवाद अधिनियम, 1947 पोषणीय नहीं होने के कारण खारिज किया जाता है और प्रार्थी यूनियन कोई अनुलोप प्राप्त करने की अधिकारी नहीं है।”

4. अवार्ड आज दिनांक 4-3-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार के प्रकाशनार्थ नियमानुसार भेजा जाये।

पी.एल. हिस्सारिया, पीठासीन अधिकारी

नई दिल्ली, 13 सितम्बर, 2004

का.आ. 2535.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधन के संबंध में निधियों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 4/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-9-2004 को प्राप्त हुआ था।

[सं. एल-12012/285/94-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th September, 2004

S.O. 2535.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/95) of the Industrial Tribunal Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 13-9-04.

[No. L-12012/285/94-IR(B-II)]

C. GANGADHARAN, Under Secy.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई. टी. 4/95

चन्द्र प्रकाश बोहरा पुत्र श्री सीताराम बोहरा निवासी डी-452, विद्याधर नगर, जयपुर।

... प्रार्थी

बनाम

1. मुख्य महा प्रबन्धक, बैंक ऑफ बड़ौदा, प्रधान कार्यालय, मांडवी, बड़ौदा।
2. सहायक महाप्रबन्धक बैंक ऑफ बड़ौदा, आनन्द भवन, चौथी मंजिल, संसार चन्द्र रोड, जयपुर।
3. शाखा प्रबन्धक, बैंक ऑफ बड़ौदा, पार्क स्ट्रीट शाखा, एम.आई. रोड, जयपुर।

अप्रार्थीगण

उपस्थित

पीठासीन अधिकारी : श्री पी. एल. हिस्सारिया,
आर. एच. जे. एस.

प्रार्थी की ओर से : श्री यशपाल शर्मा

अप्रार्थी की ओर से : श्री तेज प्रकाश शर्मा

दिनांक अवार्ड : 17-7-2004

अवार्ड

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपनी अधिसूचना क्रमांक सं. 12012/285/91/आई.आर. बी-2 दिनांक 8 फरवरी, 1995 के द्वारा निम्न विवाद इस अधिकरण को निर्णयार्थ प्रेषित किया है :

“Whether the contention of Shri Chandra Prakash Bohra, ex-sub staff that the management of Bank of Baroda, Jaipur have terminated his services w.e.f. 23-11-91 in violation of the provisions of Sections 25-G and 25-H of the I.D. Act, 1947 is correct? If so, to what relief is the said workman entitled?”

2. प्रार्थी ने स्टेटमेंट ऑफ क्लेम पेश किया है जिसके अनुसार प्रार्थी चन्द्र प्रकाश बोहरा ने अप्रार्थी बैंक की पार्क स्ट्रीट शाखा जयपुर में चतुर्थ श्रेणी के पद पर कार्य करने हेतु आवेदन पत्र दिया जिसको स्वीकार कर 20-8-91 को ही उसे चतुर्थ श्रेणी कर्मचारी के रूप में नियुक्ति दे दी गई, तब से लगातार 22-11-91 तक उसने कुल 95 दिन कार्य किया, 23-11-91 को जब वह कार्यालय पहुंचा तो उसे बिना किसी कारण काम नहीं करने दिया गया व उसे कहा कि उसकी सेवाएं तुरन्त प्रभाव से समाप्त कर दी गई हैं। प्रार्थी के स्थान पर विपक्षी ने सत्येन्द्र कुमार, राजेश, बिजेन्द्र को काम पर रखा, प्रार्थी ने जिस पद का कार्य किया है वह स्थाई प्रकृति का है, उसे कभी भी लीव बैंकेन्सी के विरुद्ध नहीं रखा गया, स्थाई पद होते हुए भी विपक्षी द्वारा दैनिक वेतन पर श्रमिकों को रखा जाता है और वे वरिष्ठता अथवा नियमित वेतन की मांग न करे इसलिए उन्हें समय-समय पर ब्रेकस देते हैं इस प्रकार औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम लिखा जा रहा है) के नियम 77 व 78 की पालना नहीं की गई है ये आज्ञापक प्रावधान हैं। उसकी सेवा समाप्त करने से पहले न तो वरिष्ठता सूची बनाई गई, न ही वरिष्ठता के अनुसार सेवा पृथक किया गया इस प्रकार विपक्षीगण द्वारा लास्ट कम फर्स्ट गो के सिद्धान्त की पालना नहीं की गई है और नये श्रमिकों को लेने से पहले उसे सूचित नहीं किया गया। इस प्रकार अनुचित श्रम नीति अपनाते हुए एवं शोषित करने की नीयत से उसकी सेवा मुक्ति की गई है। शास्त्री अवार्ड के प्रावधान की भी पालना नहीं की गई है तथा श्रमिक संगठन के साथ हुए समझौते व माननीय उच्चतम न्यायालय द्वारा दिए गए निर्णय के अनुसार जिन श्रमिकों ने 80 दिन तक विपक्षी बैंक की किसी भी शाखा में काम किया है तो ऐसे श्रमिकों को स्थाई नियुक्ति दी जायेगी, इसकी भी

पालना विपक्षी बैंक द्वारा नहीं की गई है। इस संबंध में प्रार्थी ने क्षेत्रीय प्रबन्धक को आवेदन पत्र प्रस्तुत किया, प्रधान मंत्री को भी पत्र लिखा है, सहायक महाप्रबन्धक को भी 95 दिन तक लगातार कार्य करने के संबंध में सूचित किया। सहायक महाप्रबन्धक क्षेत्रीय कार्यालय ने सहायक श्रम आयुक्त को पत्र लिखा कि अगर प्रार्थी नियमित नौकरी चाहता है तो नियोजन कार्यालय में अपना नाम दर्ज करवाये यह पत्र उन्हें गुमराह करने के लिए लिखा गया जबकि नियोजन कार्यालय में नाम दर्ज करने के लिए प्रार्थी को कोई आवश्यकता नहीं थी वह पूर्व में बैंक में कार्य कर चुका है, इस प्रकार अवैध रूप से उसकी सेवा मुक्ति की गई है जिसे अवैध मानकर निरस्त किया जाकर प्रार्थी को पुनः सेवा में बहाल किये जाने व पिछला वेतन व अन्य लाभ मय ब्याज के दिलाने की प्रार्थना की गई है।

3. अप्रार्थी ने क्लेम का जवाब पेश किया है जिसके अनुसार प्रार्थी को विपक्षी बैंक में दैनिक वेतन भोगी कर्मचारी के रूप में रखा गया था और उसकी मजदूरी 42 रुपये प्रतिदिन थी। उसे बैंक द्वारा कोई चतुर्थ श्रेणी कर्मचारी के रूप में नियुक्ति नहीं की गई थी। प्रार्थी ने 26-8-91 से 18-1-91 तक केवल मात्र 69 दिन अप्रार्थी संस्थान में कार्य किया था, वह दैनिक वेतन भोगी कर्मचारी था जिसका कार्य समाप्त होते ही उसकी सेवाएं स्वतः समाप्त हो गई, प्रार्थी ने उसे सेवा मुक्त नहीं किया न ही अन्य श्रमिकों को प्रार्थी के स्थान पर रखा। आकस्मिक कार्य की पूर्ति हेतु दैनिक वेतन भोगी कर्मचारी के रूप में श्रमिक को रखा गया था जिनकी न तो कोई वरिष्ठता सूची बनाई जाती है, न कोई रिकार्ड रखा जाता है, आकस्मिक कार्य के समाप्त होने पर स्वतः ही प्रार्थी की सेवाएं समाप्त हो गई, प्रार्थी ने केवल एक वर्ष में 69 दिन ही कार्य किया अतः अधिनियम के प्रावधान उस पर लागू नहीं होते। किसी प्रकार के नियमों का उल्लंघन नहीं हुआ है अतः प्रार्थी का क्लेम खारिज करने की प्रार्थना की गई है।

4. प्रकरण में प्रार्थी को साक्ष्य प्रस्तुत करने हेतु 27-7-2000 है। साक्ष्य प्रस्तुत करने का समय दिया जा रहा है किन्तु आज तक भी उन्होंने कोई साक्ष्य प्रस्तुत नहीं की है। आज भी प्रार्थी की साक्ष्य उपस्थित नहीं है, चार वर्ष तक साक्ष्य प्रस्तुत करने का समय न्याय हित में दिया गया है, अब और समय दिया जाना उचित नहीं है, अतः प्रार्थी की साक्ष्य बंद की जाती है।

5. प्रार्थी का दायित्व है कि जो क्लेम उसने अधिकरण के समक्ष प्रस्तुत किया है, उसे अपनी साक्ष्य के द्वारा प्रमाणित करे किन्तु प्रार्थी ने कोई साक्ष्य प्रस्तुत नहीं की है और अपने क्लेम को साबित नहीं किया है। ऐसे में यह नहीं कहा जा सकता कि अप्रार्थीगण द्वारा की गई उसकी सेवा मुक्ति अनुचित है, उसे साबित करने में प्रार्थी असफल रहा है।

6. उपरोक्त विवेचन के आधार पर प्रकरण में निम्न अवार्ड पारित किया जाता है :

“प्रार्थी चन्द्र प्रकाश बोहरा का यह कथन की अप्रार्थी बैंक द्वारा उसकी सेवाएं दिनांक 23-11-91 को समाप्त करना धारा 25-जी व 25-एच औद्योगिक विवाद अधिनियम, 1947 की उल्लंघना है; सही नहीं है, प्रार्थी का सेवा मुक्ति आदेश उचित एवं वैध है। प्रार्थी कोई राहत पाने का अधिकारी नहीं है।”

7. आज अवार्ड दिनांक 17-7-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

पी. एल. हिस्सारिया, पीठासीन अधिकारी

नई दिल्ली, 13. सितम्बर, 2004

का. अ. 2536.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 14/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-9-2004 को प्राप्त हुआ था।

[सं० एल-12012/390/89-आई आर/डी-II(ए)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 13th September, 2004

S.O. 2536.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 11/94) of the Industrial Tribunal Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 13-9-2004.

[No. L-12012/390/89-IR/D-II (A)]

C. GANGADHARAN, Under Secy.

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 11/94

रैफरेंस : भारत सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल. 12012/390/89-डी 2(ए) दिनांक निल

श्री के. एल. ग्रोवर द्वारा पी.एन.बी. कर्मचारी यूनियन, सी/ओ पी.एन.बी. कश्मीरी गेट दिल्ली।

—प्रार्थी

बनाम

रीजनल मैनेजर, पंजाब नेशनल बैंक, एफ-14, कॉम्प्लेक्स हाऊस, कनाट प्लेस, नई दिल्ली।

—अप्रार्थी

उपस्थित

पीठासीन अधिकारी : पी.एल. हिस्सारिया, आर.एच.जे. एस.

प्रार्थी की ओर से : श्री के. एल. ग्रोवर स्वयं एवं श्री नन्द लाल गोयल

अप्रार्थी की ओर से : श्री जे. के. चट्टा

दिनांक अवार्ड : 4 मार्च, 2004

अवार्ड

केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न विवाद इस न्यायाधिकरण को अधिकनिर्णयार्थ प्रेषित किया गया है :

“Whether the demand of the Punjab National Bank Karamchhari Union that the action of the management of Punjab National Bank in terminating the services of Shri K. L. Grover and continuing in service S/shri Ram Prakash and K.B. Tyagi was discriminatory, If so, to what relief is Shri K. L. Grover entitled?”

2. प्रार्थी के. एल. ग्रोवर द्वारा क्लेम पेश किया गया है कि वह अप्रार्थी बैंक में स्थाई कर्मचारी के रूप में दिनांक 14-4-71 को अनिश्चित अवधि के लिए नियुक्त किया गया था। श्री राम प्रकाश व के. बी. त्यागी ने अस्थायी कर्मचारी के रूप में 1973 तक काम किया जिनको स्थाई रूप से नियुक्त कर दिया जो धारा 25-एच औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम संशोधित किया जाएगा) के प्रावधान के विपरीत है और प्रार्थी के. एल. ग्रोवर की सेवाएं 12-6-71 को समाप्त कर दी गई जिसमें किसी प्रकार की जांच या प्रक्रिया नहीं अपनाई गई व और कोई नोटिस नहीं दिया गया जिससे वह अपने अधिकारों से वंचित रहा। इस प्रकार प्रार्थी के. एल. ग्रोवर की सेवा समाप्ति अन्य कर्मचारियों की अपेक्षा विभेदपूर्ण रही जिसके लिए उसने श्रम विभाग में कार्यवाही की जहां से यह रैफरेंस केन्द्रीय औद्योगिक न्यायाधिकरण, नई दिल्ली को भेजा गया जहां 26-12-89 को सं. 139/89 पर दर्ज किया गया। बाद में अनुकूल सरकार (एप्रोप्रियेट गर्वन्मेंट) द्वारा यह रैफरेंस इस अधिकरण को अंतरित किये जाने पर व पत्रावली आने पर इस न्यायाधिकरण में यह रैफरेंस दिनांक 5-7-94 को दर्ज हुआ।

3. क्लेम में प्रार्थी की ओर से प्रार्थना की गई है कि श्री के. एल. ग्रोवर की सेवा समाप्ति अवैध व भेदभावपूर्ण है इसलिए उसे पुनः सेवा में लिये जाने का व पुराने वेतन व भत्ते आदि समस्त लाभ दिलाये जाने का अवार्ड पारित किया जावे।

4. अप्रार्थी बैंक की ओर से इस क्लेम का जवाब पेश किया गया है जिसकी प्रारंभिक आपत्तियों में यह ऐतराज किया गया है कि यह रैफरेंस विधि के अन्तर्गत संधारणीय नहीं है क्योंकि पूर्व में पक्षकारान् के बीच कई बार समझौते का प्रयास किया गया और कोई मामला नहीं बनने से न्याय निर्णय हेतु निर्देशित नहीं किया गया। यह मामला 1971 का है जो अत्यधिक पुराना है व पूर्व में न्याय निर्णय हेतु निर्देशित नहीं किये जाने के बाद भी अब इसे लंबे समय के पश्चात दूसरे तरीके से निर्देशित किया गया है। जो विधिपूर्वक नहीं है। उनका यह भी जवाब है कि प्रार्थी द्वारा प्रस्तुत क्लेम भी संधारणीय नहीं है क्योंकि प्रार्थी ने इससे पहले भी एक प्रार्थना पत्र अधिनियम की धारा 33(2)(c) के अन्तर्गत केन्द्रीय श्रम न्यायालय नई दिल्ली में पेश किया गया था जिसे 94/83 पर दर्ज किया गया और उसे 12-1-84 को निर्णय किया जाकर प्रार्थी का प्रार्थना पत्र खारिज किया गया। अब इसी मामले को दुबारा अन्य तरीके से ठाया जाकर निर्देशित किया गया है। राम प्रकाश व के. बी. त्यागी का मामला प्रार्थी से पूर्वतः भिन्न है जो परीक्षा पास कर साक्षात्कार के पश्चात् स्थाई रूप से नियुक्त हुए हैं और प्रार्थी को भी परीक्षा का अवसर

दिया गया किन्तु प्रार्थी न उस अवसर का उपयोग नहीं किया और परीक्षा नहीं दी। जवाब के अनुसार प्रार्थी को कभी भी स्थाई रूप से नियुक्त नहीं किया गया न ही वह अस्थायी कर्मचारी था बल्कि उसने अप्रैल 1971 से जून 1971 तक दो माह के समय में भिन्न-भिन्न ड्यूटी पर लीव वैकेंसी के रूप में मात्र 56 दिन तक काम किया, इसलिए न तो उसे कोई नियुक्ति पत्र दिया गया और न ही उसे सेवा मुक्त किया गया व न ही कोई जांच की आवश्यकता थी तथा प्रार्थी किसी प्रकार का कोई अनुतोष पाने का अधिकारी नहीं है इसलिए उसका क्लेम खारिज किया जाकर नो क्लेम अवार्ड पारित किया जाये।

5. प्रार्थी की ओर से इस जवाब का जवाबुल जवाब दिया जाकर बताया गया है कि प्रार्थी द्वारा जो श्रम न्यायालय में प्रकरण सं. 94/83 प्रस्तुत किया गया था वह यद्यपि प्रार्थी के विरुद्ध निर्णित हुआ है लेकिन वह इस निर्देश से भिन्न मामला था जिसका इस निर्देश से कोई संबंध नहीं है, उसका लाभ अप्रार्थी को नहीं मिल सकता, वह आदेश विधि अनुसार नहीं था और प्रार्थी के अवैद्य सेवा मुक्ति के आदेश को अपास्त किया जाकर उसे पुनः सेवा में नियुक्त किये जाने का आदेश पारित किया जाये।

6. मैंने इस रैफरेंस में दोनों पक्ष के विद्वान प्रतिनिधिगण की बहस सुनी, पत्रावली का ध्यानपूर्वक अवलोकन किया।

7. जो रैफरेंस इस अधिकरण को प्रस्तुत किया गया है, उसमें प्रार्थी के. एल. ग्रोवर की सेवा समाप्ति एवं श्री राम प्रकाश तथा के. बी. त्यागी की सेवाओं को बनाये रखना विभेदकारी है अथवा नहीं के बाबत है। निश्चित तौर पर राम प्रकाश व के. बी. त्यागी की सेवाओं को जहां तक प्रश्न है, वे नियमित रूप से परीक्षा देकर, साक्षात्कार के पश्चात् सेवा में नियुक्त किये गये हैं और उनका मामला श्री ग्रोवर के मामले से पूर्णतया भिन्न है। प्रार्थी के. एल. ग्रोवर ने जहां पूर्व में दिनांक 21-2-83 को केन्द्रीय श्रम न्यायालय नई दिल्ली के समक्ष धारा 33(2) (c) अधिनियम के अन्तर्गत प्रार्थना पत्र प्रस्तुत किया था जिसका प्रकरण सं. 94/83 दर्ज हुआ, जिसके निर्णय दिनांक 12-1-84 की प्रतिलिपि अभिलेख पर मौजूद है, जिसके अनुसार प्रार्थी ने उस प्रार्थना पत्र में स्वयं को बैंक में अस्थायी कर्मचारी के रूप में नियुक्त होना मानकर अप्रैल से जून 1971 तक काम करना बताया और 390 रुपये क्षति पूर्ति की मांग को जो प्रार्थना पत्र केन्द्रीय श्रम न्यायालय ने अपने आदेश द्वारा यह निर्धारित करते हुए खारिज किया है कि प्रार्थी की नियुक्ति लीव वैकेंसी के रूप में हुई है और उसने मात्र 56 दिन तक कार्य किया है तथा वह अस्थायी या स्थाई कर्मचारी नहीं है। ऐसी सूरत में अब यह निर्देश प्रार्थी की सेवा समाप्ति व श्री राम प्रकाश एवं के. बी. त्यागी के सेवा में बनाये रखने को विभेदकारी मानते हुए चलने योग्य नहीं रह जाता है। ज्यादा से ज्यादा यह मामला धारा 25-जी अधिनियम या 25-एच अधिनियम के अन्तर्गत आता था जिसका कोई रैफरेंस नहीं किया गया है और इस रैफरेंस में प्रार्थी द्वारा प्रस्तुत क्लेम में प्रार्थी सेवा समाप्ति के आदेश को अपास्त कराये जाने का अनुतोष प्राप्त करने का अधिकारी नहीं है और उसका क्लेम खारिज किये जाने योग्य है।

8. उपरोक्त विवेचन के आधार पर प्रकरण में निम्न अवार्ड पारित किया जाता है :

“पंजाब नेशनल बैंक कर्मचारी यूनियन की यह मांग कि पंजाब नेशनल बैंक के प्रबंधतंत्र द्वारा श्री के. एल. ग्रोवर की

सेवा समाप्त किया जाना व श्री राम प्रकाश एवं के. बी. त्यागी की सेवाएं कायम रखे जाने का कृत्य विभेदकारी है, उचित एवं वैध नहीं है। प्रार्थी श्री ग्रोवर किसी प्रकार का कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।”

9. अवार्ड आज दिनांक 4-3-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

पी. एल. हिस्सारिया, पीठासीन अधिकारी

नई दिल्ली, 13 सितम्बर, 2004

क्र. अ. 2537.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार स्टेट बैंक ऑफ बिकानेर एंड जयपुर के प्रबंधतंत्र के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण कम-लेबर कोर्ट, जयपुर के फैसले (संदर्भ आई. डी. सं. 30/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-9-2004 को प्राप्त हुआ था।

[सं० एल-12012/23/95-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 13th September, 2004

S.O. 2537.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. I. D. No. 30/96) of the Central Industrial Tribunal, Labour Court Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur and their workman, which was received by the Central Government on 13-9-2004.

[No. L-12012/23/95-IR(B-I)]

AJAY KUMAR, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 30/96

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल. 12012/23/95-आई.आर. (बी I) दिनांक 23-7-96

श्री जगदीश माली पुत्र श्री हरीराम, उम्र 30 वर्ष, हनुमान जी के मंदिर के सामने राठौड़ों कुआं नागौर। —प्रार्थी

बनाम

स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर, जरिये शाखा प्रबन्धक,
कृषि उपज मण्डी, नागौर, राजस्थान —अप्रार्थी

उपस्थित

पीठासीन अधिकारी : श्री पी.एल. हिस्सरीया, आर.एच.जे.एस.

प्रार्थी की ओर से : श्री जोगेश जोशी

अप्रार्थी की ओर से : श्री एच.सी. छाबड़ा

दिनांक अर्थात् : 18-8-2004

अर्थात्

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने उपरोक्त आदेश द्वारा निम्न विवाद इस अधिकरण को न्याय निर्णय हेतु प्रेषित किया है :

“Whether the action of the Branch Manager, SBBJ—Krishi Upaj Mandi, Nagaur is justified in terminating the services of workman (Sh. Jagdish Mali) w.e.f. 10-6-85 after employing him for 80 days from 23-3-85 to 9-6-85 as a workman-cum-peon and employing other workman Shri Ramuram in his place, without giving him any opportunity of employment, which is a violation of Section 25H of the I.D. Act, 1947? If not, to what relief the workman is entitled to and from what date?”

2. प्रार्थी की ओर से स्टेटमेंट ऑफ क्लेम पेश किया गया है जिसके अनुसार प्रार्थी जगदीश माली की नियुक्ति अप्रार्थी बैंक में 23-3-85 को पिओन-कम-चौकीदार के पद पर हुई थी। प्रार्थी ने अप्रार्थी के यहां 80 दिन तक लगातार कार्य किया और अप्रार्थी ने बिना कोई कारण बताये व बिना कोई नोटिस दिये मौखिक रूप से प्रार्थी की सेवाएं समाप्त कर दी और सेवा समाप्ति से पूर्व प्रार्थी को सुनवाई का कोई अवसर नहीं दिया, न ही किसी प्रकार का नोटिस, न ही एक माह का भुगतान किया जो कि प्राकृतिक न्याय सिद्धान्तों की अवहेलना है। प्रार्थी की सेवाएं समाप्त करने से पूर्व वरिष्ठता सूची जारी नहीं की इस प्रकार प्रार्थी की सेवा समाप्त करने का काल्प शून्य है जिसे निरस्त किया जाये। प्रार्थी की सेवाएं समाप्त करने के बाद नये व्यक्तियों को नियुक्तियां दी हैं जबकि पहले उसे अवसर दिया जाना चाहिये था इस प्रकार औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे अधिनियम लिखा जा रहा है) की धारा 25-एच के उल्लंघन में उसकी सेवाएं समाप्त की गई हैं। प्रार्थी से कनिष्ठ श्री रामूराम को उसके बाद चतुर्थ श्रेणी के पद पर नियुक्ति दी गई है जोकि प्राकृतिक न्याय सिद्धान्तों के भी विपरीत है। अपना मामला प्रार्थी ने श्रम विभाग केन्द्रीय सरकार के समक्ष प्रस्तुत किया किन्तु वार्ता असफल होने से विवाद केन्द्र सरकार ने इस अधिकरण को निर्णयार्थ प्रेषित किया है। प्रार्थी की प्रार्थना है कि उसका सेवा मुक्ति आदेश अनुचित व अवैध होने से निरस्त किया जावे व उसकी सेवाएं निरन्तर मानते हुए दिनांक 1-7-85 से उसे समस्त लाभ सहित सेवा में बहाल किया जाये।

3. अप्रार्थी ने क्लेम का जवाब पेश कर प्रारंभिक आपत्ति की है कि प्रार्थी को 10-6-85 को सेवा से हटाया गया और उसने 1993 में विवाद प्रस्तुत किया है जो बहुत देर होना है और इसी आधार पर क्लेम निरस्तनीय है। प्रार्थी के प्रकरण पर धारा 25-एच अधिनियम के प्रावधान लागू नहीं होते क्योंकि उसकी नियुक्ति धारा 2(00)(बीबी) अधिनियम के तहत एक निश्चित अवधि के लिए हुई थी जिसे आगे नहीं बढ़ाया गया। गुणावगुण पर अप्रार्थी का कथन है कि प्रार्थी को नियुक्ति पीओन कम-चौकीदार के पद पर एक निश्चित अवधि अर्थात् 30 दिन के लिए दिनांक 23-3-85 को की गई थी। उसके नियुक्ति पत्र में यह अंकित किया गया था कि उसकी सेवाएं बिना किसी सूचना के दिनांक 22-4-85 को समाप्त हो जायेंगी उसके बाद प्रार्थी की सेवाएं 23-4-85 से 21-5-85 तक तीस दिवस के लिए बढ़ाई गई और फिर 21 मई से 10 जून, 1985 तक फिर बढ़ाई गई। चूंकि उसकी सेवाएं पूर्णतया अस्थायी रूप से एक निश्चित अवधि के लिए थी, अतः उसका सेवा रिकार्ड रखा जाना आवश्यक नहीं था। चूंकि प्रार्थी ने एक निश्चित अवधि 80 दिन के लिए ही कार्य किया और उक्त अवधि के समाप्त होने के बाद सेवा की संविदा नहीं बढ़ाई गई अतः यह सेवा मुक्ति का मामला नहीं होकर सेवाच्युति का मामला है जिसकी सेवा संविदा आगे नहीं बढ़ाई जाने पर सेवाएं स्वयं ही समाप्त हो गईं। इसके लिए किसी नोटिस की आवश्यकता नहीं थी क्योंकि नियुक्ति शर्तों में यह बात उल्लिखित थी। नियुक्ति शर्तों के अनुसार कोई नोटिस अथवा उसके एवज में वेतन देव नहीं था। चौकीदार के रूप में चूंकि प्रार्थी एकमात्र अस्थायी कर्मचारी था अतः वरिष्ठता सूची प्रकाशित करने का प्रश्न ही पैदा नहीं होता। इसी आधार पर प्रार्थी का मामला छंटनी की परिभाषा में भी नहीं आता और यह मामला 2(00)(बीबी) अधिनियम के अन्तर्गत आता है अतः धारा 25-एच के प्रावधानों अथवा प्राकृतिक न्याय के सिद्धान्तों का कोई उल्लंघन नहीं हुआ है। प्रार्थी को चौकीदार के पद पर पूर्णतया अस्थायी रूप से एक निश्चित अवधि के लिए रखा गया, चूंकि चौकीदार की पात्रता में एक्स-मिलिट्रीमैन होना आवश्यक है अतः वह इस पद के लिए वैसे भी उपयुक्त नहीं था अतः उसके पुनः नियोजन का प्रश्न ही पैदा नहीं होता। इस तथ्य को जवाब में इन्कार किया गया है कि प्रार्थी के स्थान पर श्री रामूराम को नियुक्त किया गया हो। प्रार्थी का मामला गुणावगुण के आधार पर अनुचित व तुच्छ प्राकृतिक का होने के कारण खारिज किये जाने योग्य है जिसे खारिज किये जाने की प्रार्थना की गई है।

4. प्रार्थी की ओर से जगदीश माली प्रार्थी स्वयं का शपथ पत्र पेश किया गया है जिससे अप्रार्थी के विद्वान प्रतिनिधि ने जिरह की है और अप्रार्थी की ओर से श्री एम.एल. जोड़, शाखा प्रबन्धक का शपथ पत्र पेश किया गया है जिससे प्रार्थी के विद्वान प्रतिनिधि ने जिरह की है।

5. मैंने दोनों पक्षों के विद्वान प्रतिनिधियों की बहस सुनी, पत्रावली का अवलोकन किया।

6. मेरे समक्ष केन्द्रीय सरकार की ओर से जो विवाद न्याय निर्णय हेतु प्रस्तुत किया गया है उसमें प्रार्थी जगदीश माली की सेवाएं 10-6-85 के बाद से समाप्त किये जाने की वैधता की बाबत अंकित किया गया है। प्रार्थी ने जो अपना शपथ पत्र प्रस्तुत किया है उसमें उसने अंकित किया

है कि श्रमिक प्रार्थी को अप्रार्थी एस.बी.बी.जे. कृषि उपज मण्डी नागौर में 23-3-85 से चपरासी-कम-चौकीदार (चतुर्थ श्रेणी) के पद पर नियुक्ति दी गई थी और 1-7-85 को बिना कारण बताये व बिना कोई नोटिस दिये मौखिक रूप से उसकी सेवाएं समाप्त कर दी। जबकि रैफरेंस 10-6-85 का है, 1-7-85 का नहीं है। इस बाबत प्रार्थी की ओर से किसी प्रकार का स्पष्टीकरण नहीं दिया गया है, इससे यह प्रतीत होता है कि प्रार्थी ने अपने शपथ पत्र में सही तथ्य अंकित नहीं किये। इस अधिकरण द्वारा प्रार्थी को आदेश दिया गया था कि वह अपना नियुक्ति पत्र पेश करे लेकिन आदेश दिनांक 29-7-2000 की पालना में प्रार्थी ने किसी प्रकार का अपना कोई नियुक्ति पत्र पेश नहीं किया। अप्रार्थी ने उसकी प्रतियां पेश की हैं और अपने साक्षी से साबित भी करवाई है जिसमें निश्चित तौर पर प्रार्थी की सेवाएं 23-3-85 से 22-4-85 तक 30 दिन के लिये नियुक्ति दिया जाना अंकित है। उसके पश्चात् 22-4-85 से 22-5-85 तक 30 दिन के लिए इस नियुक्ति की अवधि बढ़ाई गई फिर प्रदर्श डी-3 के द्वारा 22-5-85 से 10-6-85 तक 20 दिन की अवधि और बढ़ाई गई, इस प्रकार प्रार्थी ने मात्र 80 दिन काम किया और उसकी नियुक्ति सिर्फ 80 दिन की निश्चित अवधि के लिए ही की गई थी। धारा 2(00)(बीबी) अधिनियम के अनुसार जहां निश्चित अवधि के लिए कोई नियुक्ति दी जाती है और अवधि समाप्त होने के पश्चात् उसकी सेवाओं की अवधि आगे नहीं बढ़ाई जाती तो वह छंटनी की परिभाषा में नहीं आती और धारा 25-जी व एच अधिनियम के प्रावधान जो कि छंटनी के लिए लागू हैं, वह धारा 2(00)(बीबी) के अनुसार छंटनी की परिभाषा में नहीं आने से यह प्रावधान लागू नहीं होते। ऐसी सूरत में जब निश्चित अवधि के लिए नियुक्ति की जाती है और अवधि नहीं बढ़ाये जाने पर उसकी सेवा समाप्त होना और किसी आदेश से उसकी सेवा समाप्त नहीं की जाती है तो न तो उसकी सेवा समाप्ति कहलायेगी और न ही छंटनी कहलायेगी और जब प्रार्थी की छंटनी की गई तो ऐसी सूरत में धारा 25-एच अधिनियम के प्रावधान का उल्लंघन होना नहीं कहा जा सकता। ऐसे में प्रार्थी इस आधार पर कोई अनुतोष पाने का अधिकारी नहीं है।

7. प्रार्थी के विद्वान प्रतिनिधि ने तर्क दिया है कि धारा 25-एफ 25-जी व 25-एच अधिनियम की पालना नहीं की गई है जो आवश्यक थी। इसलिए प्रार्थी पुनः नियुक्ति का अधिकारी है और अपने तर्क के समर्थन में विद्वान प्रतिनिधि ने निम्न प्रोद्घरण प्रस्तुत किये हैं :

1. पंजाब वाटर सप्लाई बनाम प्रेसाईडिंग, ऑफिसर, एल.सी. भटिण्डा, 2001 (एस.एल.आर.) 235 (पंजाब व हरियाणा)
2. 1996(4) एल.एल.आर. 695 (एस.सी.) सैन्ट्रल बैंक ऑफ इण्डिया बनाम एस. सत्यम
3. बलजीत सिंह बनाम स्टेट ऑफ हरियाणा 1995 (2) एस.एल.आर. 664 (पंजाब व हरियाणा)

8. इसके प्रतिकूल अप्रार्थी के विद्वान प्रतिनिधि का तर्क है कि धारा 2(00)(बीबी) अधिनियम की व्याख्या इनमें से किसी प्रोद्घरण में नहीं की गई है यह प्रावधान 1984 में नये जोड़े गये हैं और इन प्रोद्घरणों में वर्णित तथ्य इससे पूर्व के हैं इसलिए इन प्रोद्घरणों में प्रतिपादित सिद्धान्तों से प्रार्थी को कोई लाभ नहीं पहुंचता।

9. मैंने उक्त प्रोद्घरणों को आदर सहित पढ़ा। चूंकि ये प्रोद्घरण धारा 2(00)(बीबी) अधिनियम के प्रावधान आने के पूर्व के हैं जबकि हस्तगत मामला धारा 2(00)(बीबी) के प्रावधान के अनुसार छंटनी की परिभाषा में नहीं आता है, ऐसी सूरत में उक्त प्रोद्घरण में प्रतिपादित सिद्धान्त का लाभ प्रार्थी प्राप्त करने का अधिकारी नहीं है। वैसे भी प्रार्थी की सेवाएं स्वयं उसके अनुसार 10-6-85 को समाप्त कर दी गईं जैसा कि क्लेम में बताया गया है और उसके शपथ पत्र में 1-7-85 से समाप्त करना बताया गया है और यह विवाद उसके 11 वर्ष बाद 1996 में उठाया गया है। इस 11 वर्ष की देरी का कोई स्पष्टीकरण नहीं दिया गया है और इस देरी के कारण उठाये गये इस मृतप्रायः विवाद में प्रार्थी कोई अनुतोष प्राप्त करने का अधिकारी नहीं हो सकता।

10. जहां तक रामूराम की सेवाओं का प्रश्न है, उसकी सेवाएं नियमित तौर पर नियुक्ति की गई हैं जैसा कि अप्रार्थी के शपथ पत्र से प्रकट होता है और नियमित रूप से नियुक्त कर्मचारी के साथ निश्चित अवधि के लिए नियुक्त कर्मचारी की सेवाओं की तुलना नहीं की जा सकती। ऐसी सूरत में भी प्रार्थी किसी प्रकार का कोई अनुतोष प्राप्त करने का अधिकारी नहीं है और उपरोक्त विवेचन के आधार पर प्रकरण में निम्न अवार्ड पारित किया जाता है :

“अप्रार्थी बैंक के शाखा प्रबन्धक द्वारा प्रार्थी श्री जगदीश माली की सेवाएं समाप्त किया जाना उचित एवं वैध है। प्रार्थी के स्थान पर अप्रार्थी द्वारा श्री रामूराम की नियुक्ति नहीं की गई है बल्कि उसे नियमित तौर पर नियुक्ति दी गई है जो उचित एवं वैध है और धारा 25-एच अधिनियम के प्रावधानों का उल्लंघन नहीं हुआ है। अतः श्रमिक किसी प्रकार का अनुतोष प्राप्त करने का अधिकारी नहीं है।”

11. अवार्ड आज दिनांक 18-8-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

पी.एल. हिस्सारिया, पीठासीन अधिकारी

नई दिल्ली, 13 सितम्बर, 2004

का. आ. 2538.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दा बैंक ऑफ राजस्थान लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या आई.डी. नं. 8/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-9-2004 को प्राप्त हुआ था।

[सं० एल-12012/136/93-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 13th September, 2004

S.O. 2538.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 8/93) of the Central Industrial Tribunal/Labour Court, Jaipur

now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Banks of Rajasthan Ltd. and their workman, which was received by the Central Government on 13-9-2004.

[No. L-12012/136/93-IR(B-I)]

AJAY KUMAR, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 8/93

रैफॉर्स : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल-12012/136/93-आई आर (बी-1) दिनांक 20-7-93

श्री कमल कुमार जैन मार्फत राजस्थान बैंक एम्प्लॉईज यूनियन, परवाना भवन, माधोवास, जोधपुर। —प्राथी

बनाम

महाप्रबन्धक, बैंक ऑफ राजस्थान लि., सी-72, सरोजनी मार्ग, सी-स्कीम, जयपुर। —अप्राथी

उपस्थित

पीठासीन अधिकारी : श्री पी. एल. हिस्सारिया, आर.एच.जे.एस.

प्राथी की ओर से : श्री जे.एल. शाह

अप्राथी की ओर से : श्री आलोक फतहपुरिया

दिनांक अवाई : 17-3-2004

अवाई

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा यह विवाद इस न्यायाधिकरण को अधिनिर्णयार्थ प्रेषित किया गया है :

"Whether the action of the management of The Bank of Rajasthan Ltd. in fixing the pay of Shri Kamal Kumar Jain, full time Peon at the rate of Rs. 440/- p.m. is justified? If not, to what relief the workman is entitled to?"

2. दोनों पक्षों को नोटिस दिये गये। प्राथी श्री कमल कुमार जैन की ओर से बैंक एम्प्लॉईज यूनियन ने क्लेम पेश किया जिसके अनुसार प्राथी कर्मचारी की नियुक्ति विपक्षी बैंक की टोंक शाखा में 29-7-85 को पार्ट टाइम पीओन के पद पर 19 घंटे प्रति सप्ताह कार्य के आधार पर हुई और उसका मूल वेतन 215/- रुपये प्रति माह रखा गया। उसे 20-6-87 को पूर्णकालीन पीओन के पद पर नियुक्त कर दिया गया और तभी से वह पूर्णकालीन पीओन के पद पर वेतन भत्ते व लाभ प्राप्त कर

रहा है। इससे पूर्व उसे जुलाई, 86 व जुलाई, 87 के पार्ट टाइम के आधार पर आधा-2 इन्क्रीमेंट देकर दो वर्षों की एक वेतन वृद्धि दी गई और जुलाई, 88 में उसका वेतन 450/- रुपये प्रति माह हो गया था। विपक्षी बैंक ने अपने आदेश क्रमांक 237 दिनांक 5-1-89 के द्वारा कर्मचारी का स्थानान्तरण बैंक की बंदी सादड़ी शाखा में किया और इस आदेश में उसका पूर्णकालीन पीओन का वेतन कम कर 450/- रुपये के स्थान पर 440/- रुपये कर दिया। इसके लिए कर्मचारी ने बैंक को इसे सही करने का अनुरोध किया लेकिन उसके वेतन को सही नहीं किया गया। कर्मचारी ने यूनियन के माध्यम से विवाद उठाया जिस पर भी कोई समझौता नहीं हुआ और यह रैफॉर्स राज्य सरकार द्वारा भेज दिया गया। विपक्षी बैंक को प्राथी कर्मचारी का वेतन 450/- रुपये से कम कर 440/- रुपये करने का कोई अधिकार नहीं है। विपक्षी बैंक का आदेश दिनांक 5-1-89 पूर्णतया अवैध, अनुचित व अमान्य है। प्राथी को कोई सुनवाई का अवसर नहीं दिया गया जो नैसर्गिक न्याय के सिद्धांत के विपरीत है इसलिए यह क्लेम पेश कर प्रार्थना की गई है कि प्राथी का वेतन 5-1-89 को 440/- से पुनः 450/- किया जाकर जुलाई, 89 से 464/- रुपये पर नियत किया जावे व तमाम एरियर ब्याज सहित दिलाया जाये।

3. बैंक ने इस क्लेम का जवाब पेश किया है जिसमें प्रारंभिक आपत्ति ली है कि यूनियन ने कर्मचारी का विवाद उठाने का कोई निर्णय नहीं लिया और किसी व्यक्ति को अधिकृत नहीं किया इसलिए यह विवाद चलने योग्य नहीं है। कर्मचारी यूनियन का सदस्य होने के बावत कोई दस्तावेज पेश नहीं किया है। यह सही है कि उसको 215/- रुपये प्रति माह पर 29-7-85 से अंशकालीन चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त किया गया था जो 19 घंटे प्रति सप्ताह कार्य करता था और उसे पूर्ण वेतन 430/- रुपये का आधा 215/- रुपये दिया जाता था। बाद में उसके काम के घंटे 19 से बढ़ाकर 29 प्रति सप्ताह कर दिये गये और उसका वेतन 430/- रुपये का तीन चौथाई कर दिया गया। वह अंशकालीन चतुर्थ श्रेणी कर्मचारी था और बैंक प्रबन्धक को पूर्णकालीन चतुर्थ श्रेणी कर्मचारी रखने का अधिकार नहीं है। बैंक में एक पूर्णकालीन चतुर्थ श्रेणी कर्मचारी था जिसके अवकाश पर जाने के कारण प्राथी से उसके स्थान पर पूर्णकालीन काम करवाया गया और पूर्णकालीन कर्मचारी के रूप में काम करने के बदले उसे पूर्ण वेतन दिया गया लेकिन उसकी स्थिति अंशकालीन कर्मचारी की ही रही पूर्णकालीन कर्मचारी की नहीं हुई और पूर्णकालीन कर्मचारी के अवकाश पर रहने की अवधि तक ही पूर्णकालीन कर्मचारी का काम उसने किया। इसी भ्रम में उसका स्थरीकरण 450/- रुपये गलत कर दिया गया जो बाद में ध्यान आने पर 440/- रुपये अंशकालीन कर्मचारी के रूप में किया गया और उसके बाद उसे पूर्णकालीन कर्मचारी के पद पर भी नियुक्त कर दिया गया तथा अब उसे नियमित पूर्णकालीन कर्मचारी वेतन मिल रहा है। 450/- रुपये से 440/- रुपये का वेतन उसे कम नहीं किया बल्कि पूर्व में उसके द्वारा पूर्णकालीन कर्मचारी के स्थान पर कार्य करने में उसके एक्का में वेतन लिया गया उस आधार पर गलत स्थरीकरण हो जाने से उसे सही किया गया है जिसका अप्राथी बैंक को अधिकार है, प्राथी कोई राहत पाने का अधिकारी नहीं है इसलिए कोई विवाद नहीं का अवाई पारित किया जावे।

4. प्राथी की ओर से कमल कुमार जैन स्वयं श्रमिक का शपथ पत्र प्रस्तुत हुआ है जिससे विद्वान प्रतिनिधि अप्राथी द्वारा जिरह की गई।

अप्रार्थी बैंक की ओर से श्री सुभाष मंगल, उप प्रबन्धक (कार्मिक) का शपथ पत्र पेश किया गया जिससे प्रार्थी के विद्वान प्रतिनिधि द्वारा जिरह की गई।

5. दोनों पक्ष के विद्वान प्रतिनिधिगण की बहस सुनी गई पत्रावली का ध्यानपूर्वक अवलोकन किया गया।

6. विद्वान प्रतिनिधि प्रार्थी का तर्क है कि प्रार्थी को 450/- रुपये प्रति माह का वेतन मिल रहा था और उसे 5-1-89 को स्थानान्तरण के समय 450/- रुपये से कम कर 440/- रुपये वेतन कर दिया जिसका बैंक को कोई अधिकार नहीं है। 450/- रुपये वेतन मिलने के प्रमाण में बैंक द्वारा जारी अंतिम वेतन प्रमाण पत्र प्रदर्श डब्ल्यू-5 है और यह तथ्य कमल कुमार जैन के शपथ पत्र से साबित होना बताया गया है। इसलिए 5-1-89 के आदेश को निरस्त कर प्रार्थी के वेतन को पुनः सही किया जाये।

7. इसके विपरीत विद्वान प्रतिनिधि अप्रार्थी बैंक का तर्क है कि प्रार्थी अंशकालीन चतुर्थ श्रेणी कर्मचारी था, उसको 430/- रुपये प्रति माह का 3/4 वेतन दिया जा रहा था, पूर्णकालीन कर्मचारी के अवकाश पर जाने के कारण उसके एवज में प्रार्थी से पूर्णकालीन कर्मचारी का कार्य लिया गया और उसे पूर्णकालीन कर्मचारी के एवज में पूर्णकालीन कर्मचारी का ही वेतन अदा किया गया परन्तु प्रार्थी का दर्जा अंशकालीन कर्मचारी का ही रहा, वह पूर्णकालीन कर्मचारी नियुक्त नहीं हुआ और न ही बैंक मैनेजर को पूर्णकालीन कर्मचारी नियुक्त करने का अधिकार था वह पूर्णकालीन कर्मचारी की नियुक्ति बैंक के केन्द्रीय कार्यालय से ही होती है। प्रार्थी की ओर से प्रार्थना पत्र प्रदर्श एम-3 से एम-17 प्रस्तुत हुए हैं जिनमें प्रार्थी कमल कुमार के हस्ताक्षर हैं और उसने स्वयं अपने आप को अंशकालीन चतुर्थ श्रेणी कर्मचारी के पद पर पदस्थापित होना अंकित किया है जो वर्ष 1988 के हैं, इसलिए 20-6-87 से पूर्णकालीन कर्मचारी के पद पर नियुक्त होने की बात स्वयंमेव गलत हो जाती है। पूर्णकालीन कर्मचारी के स्थान पर काम करने के आधार पर जो वेतन प्रार्थी को दिया गया उसी कारण भूलवश उसको पूर्णकालीन कर्मचारी का वेतन दे दिया गया था जो बाद में स्थिति प्रकट होने पर आदेश सही कर दिया गया जो गलती दुरुस्त करने का बैंक को अधिकार है। इसमें प्रार्थी के किसी प्रकार के विधिक हक या अधिकार का हनन नहीं हुआ है क्योंकि प्रार्थी अंशकालीन चतुर्थ श्रेणी कर्मचारी ही था और उसे उसी अनुरूप वेतन दिया जाना चाहिये था, उसके पूर्णकालीन कर्मचारी नियुक्त होने के दिन से ही पूर्णकालीन चतुर्थ श्रेणी कर्मचारी के पद के वेतन पर नियत किया गया है। अपने तर्क के समर्थन में विद्वान प्रतिनिधि ने निम्न प्रोद्धारण प्रस्तुत किये हैं :

1. (1996) 7 एस.सी.सी. 1, योगेन्द्र नारायण चौधरी बनाम यूनियन ऑफ इण्डिया एवं अन्य
2. 1996 (74) एफ. एल.आर. 1841 (मान. इलाहाबाद उच्च न्यायालय) प्रहलाद बनाम यू.पी. राज्य पथ परिवहन निगम, लखनऊ
3. 1995 (68) एफ. एल.आर. 144 (मान. दिल्ली उच्च न्या.) रामेश्वर दास बनाम यूनियन ऑफ इण्डिया।

8. मैंने दोनों पक्षों द्वारा प्रस्तुत तर्कों पर गंभीरता से विचार किया व प्रस्तुत किये गये प्रोद्धारणों को आदर सहित पढ़ा।

9. प्रार्थी की ओर से इस बात का कहीं खण्डन नहीं किया गया है कि उसे पूर्णकालीन कर्मचारी के अवकाश पर जाने के कारण उसके एवज में उससे पूर्णकालीन कर्मचारी का कार्य लिया गया था। जो दस्तावेज बैंक की ओर से पेश किये गये हैं उनसे यह स्थिति स्पष्ट होती है। प्रदर्श एम-18 उसके वेतन नियतिकरण का हिसाब है जो 22-4-89 को उसकी वेतन वृद्धि पूर्णकालीन कर्मचारी नियुक्त होने के बाद बनती है जो उसे दी गई है और आदेश दुरुस्त किया गया है। विद्वान प्रतिनिधि ने जो प्रोद्धारण प्रस्तुत किये हैं, उनमें भी यही सिद्धान्त प्रतिपादित किया गया है जिसके अनुसार बैंक को अपनी गलती सुधारने का पूर्ण अधिकार है, इससे कोई प्राकृतिक न्याय के सिद्धान्त का हनन नहीं हुआ है क्योंकि प्रार्थी कर्मचारी का वेतन कम नहीं किया गया है बल्कि जो वेतन उसे मिलना चाहिये था वही दिया गया है। पूर्व में गलती से जो ज्यादा वेतन प्रार्थी को दे दिया गया था, उसका सुधार मात्र विवादित आदेश के द्वारा किया गया है जिसका बैंक को अधिकार है। ऐसी सूरत में प्रार्थी कोई राहत पाने का अधिकारी नहीं है और बैंक द्वारा प्रार्थी को पूर्णकालीन पीओन के रूप में 440/- रुपये प्रति माह पद नियत किया जाना न्यायोचित है, इसी अनुसार प्रकरण में निम्न अर्वाड पारित किया जाता है :

"बैंक ऑफ राजस्थान के प्रबन्धन द्वारा प्रार्थी श्री कमल कुमार जैन, पूर्णकालीन चतुर्थ श्रेणी कर्मचारी (फुल टाइम पीओन) को 440/- रुपये प्रति माह पर वेतन नियतन किया जाना उचित एवं वैध है। प्रार्थी कोई राहत पाने का अधिकारी नहीं है।"

10. अर्वाड आज दिनांक 17-3-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जाये।

पी.एल. हिस्सारिया, न्यायाधीश

नई दिल्ली, 13 सितम्बर, 2004

का. आ. 2539.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण-कम-लेबर कोर्ट, जयपुर के पंचाट (संदर्भ संख्या आई.डी. नं. 9/88) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-9-2004 को प्राप्त हुआ था।

[सं० एल-12012/363/87-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 13th September, 2004

S.O. 2539.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 9/88) of the Central Industrial Tribunal/Labour Court,

Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 13-9-2004.

[No. L-12012/363/87-IR(B-I)]

AJAY KUMAR, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 9/88

रेफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्र. एल.-12012/363/87-डी-2(ए) दिनांक 29-1-1988

श्री जुगल किशोर, क्लर्क-कम-कैशियर द्वारा डिप्टी जनरल सैक्रेटरी, स्टेट बैंक ऑफ इण्डिया स्टाफ एसोसिएशन, नई दिल्ली।
—प्रार्थी

बनाम

दी रीजनल मैनेजर, रीजन नं. II, स्टेट बैंक ऑफ इण्डिया पृथ्वी राज रोड, जयपुर।
—अप्रार्थी

उपस्थित

पीठासीन अधिकारी : श्री पी.एल. हिस्सारिया, आर.एच.जे.एस.

प्रार्थी की ओर से : श्री एम.एफ. बेग

अप्रार्थी की ओर से : श्री यशपाल गर्ग

जयपुर, 27 फरवरी, 2004

अवकाश

1. केन्द्र सरकार, श्रम विभाग, नई दिल्ली द्वारा निम्न विवाद इस न्यायाधिकरण को अधिनिर्णयार्थ प्रेषित किया गया है :

“क्या स्टेट बैंक ऑफ इण्डिया के प्रबन्धतंत्र की श्री जुगल किशोर लिपिक व खजांची को 4-4-1986 से सेवा से बर्खास्त करने की कार्यवाही न्यायोचित है ? यदि नहीं तो कर्मकार किस अनुतोष का हकदार है ?”

2. प्रार्थी यूनियन ने स्टेटमेंट ऑफ क्लेम पेश कर अभिकथन किया है कि विवाद से संबंधित श्रमिक जुगल किशोर अप्रार्थी बैंक की कुशलगढ़ शाखा में बतौर लिपिक-कम-खजांची कार्यरत था जिसे दिनांक 30-6-1983 को निलंबन आदेश जारी किया गया जिसमें उसके खिलाफ निम्न आरोप लगाये गये :

(Iए) यह कि दिनांक 14-6-1983 को श्रमिक ने अपने आपको अनाधिकृत रूप से बैंक का निरीक्षक बताते हुए बैंक को

एक ऋणी महिला श्रीमती इन्दर बाई के घर गये और उस महिला की पुत्री कुमारी आशा जो घर पर अकेली थी, को बैलों का निरीक्षण करने को कहा, तथा उसके साथ अनर्गल हरकत की जिससे कि बैंक की प्रतिष्ठा को आघात पहुंचा।

(Iबी) दिनांक 7-6-1983, प्रार्थी ने एक बनावटी प्रथम सूचना कुशलगढ़ पुलिस अधिकारियों के समक्ष अप्रत्यक्ष मोर्टिस के साथ दर्ज कराई कि प्रार्थी को अवैध तरीके से बैंक परिसर में उस दिन रोका गया, जो रिपोर्ट गलत साबित हुई।

(II) दिनांक 1-6-1983 को प्रार्थी अनाधिकृत रूप से शाखा के हैड खजांची की कुर्सी पर बैठ गये और उनके कार्य में बाधा डाली तथा उच्चाधिकारियों के आदेश के बावजूद सीट नहीं छोड़ी जिससे बैंक के कार्य में बाधा पहुंची।

(III) दिनांक 1-6-1983 को जानबूझकर बिजली के तारों को निकाल दिया जिससे कि छत का पंखा फिक्स था, यह कार्य कुर्सी पर चढ़कर किया जिससे कि पंखा बिजली की लाइन से विच्छेदित हो गया।

प्रार्थी यूनियन का कथन है कि प्रार्थी ने आरोपों का स्पष्टीकरण दिया किन्तु उस पर विचार किए बिना ही जांच अधिकारी नियुक्त कर जांच शुरू कर दी गई। यूनियन का कथन है कि जांच अधिकारी श्रमिक के खिलाफ दुर्भावनाग्रस्त थे अतः श्रमिक ने जांच अधिकारी ने बदलने के लिए प्रार्थना पत्र दिया किन्तु उन्हें नहीं बदला गया और जांच अधिकारी ने अपनी रिपोर्ट में सभी आरोपों को श्रमिक के खिलाफ प्रमाणित माना, अतः यूनियन का कथन है कि जांच में प्राकृतिक न्याय के सिद्धान्तों की पालना नहीं की गई है और जांच अधिकारी का निष्कर्ष परवर्त है तथा साक्ष्य पर आधारित नहीं है। यूनियन का यह भी कथन है कि जांच अधिकारी के निष्कर्षों से सहमत होकर अनुशासनिक अधिकारी द्वारा शास्त्री अवार्ड के पैरा 521(5)(ए) सपठित पैरा 18.38 देसाई अवार्ड व अन्य द्विपक्षीय समझौतों के उल्लंघन में उसे सेवा मुक्ति का दण्ड दिया गया है जो अनुचित व अवैध है। प्रार्थी ने प्रबन्धन के आदेश दिनांक 4-4-1986 के विरुद्ध अपील प्रस्तुत की जो कि खारिज कर दी गई। यूनियन का कथन है कि जांच पूर्णतः अनुचित व अवैध है, जांच अधिकारी ने दुर्भावनावश श्रमिक के खिलाफ आरोप प्रमाणित माने हैं, ऐसे में श्रमिक के खिलाफ पारित सेवा मुक्ति आदेश भी अवैध व अनुचित है।

3. अप्रार्थी बैंक ने क्लेम क्र. जवाब पेश कर प्रारंभिक आपत्ति की है कि संबंधित श्रमिक क्लेम पेश नहीं कर सकता बल्कि केवल असोसिएशन ही क्लेम पेश कर सकती है, श्रमिक समझौता वार्ता के दौरान पक्षकार नहीं था, अतः उनके द्वारा प्रस्तुत क्लेम स्वीकार नहीं किया जा सकता। उनकी यह भी आपत्ति है कि क्लेम में जांच अधिकारी की कार्यवाही को अवैध बताया गया है किन्तु जांच अधिकारी को पक्षकार नहीं बनाया गया है, अतः क्लेम निरस्तनीय है।

4. गुणावगुण पर अप्रार्थी का जवाब है कि प्रार्थी ने क्लेम में शूटे तथ्य बताये हैं, जबकि श्रमिक द्वारा प्रस्तुत जवाब से संतुष्ट

नहीं होने पर ही नियमानुसार जांच अधिकारी की नियुक्ति की गई, जांच अधिकारी द्वारा प्राकृतिक न्याय के सिद्धान्तों का पूर्णतया पालन करते हुए सम्पूर्ण जांच पूरी की व पत्रावली पर आई साक्ष्य के आधार पर श्रमिक के खिलाफ समस्त आरोप पूर्णतया प्रमाणित पाये। अप्रार्थी का यह भी कथन है कि श्रमिक को बचाव का पूरा मौका दिया गया। श्रमिक ने जो इन्दर बाई व आशा के संबंध में कहा है उन्हें श्रमिक के खिलाफ कोई शिकायत नहीं थी, यह गलत तथ्य पेश किये हैं। अप्रार्थी का जवाब में यह भी कथन है कि विभागीय जांच में साक्ष्य के तकनीकी प्रावधान लागू नहीं होते हैं अगर जांच अधिकारी किसी प्रश्न का स्पष्टीकरण कराता है तो यह नहीं कहा जा सकता कि वह पक्षपातपूर्ण रवैया है, जब श्रमिक उपस्थित हुआ तभी उसे जिरह का पूरा अवसर दिया गया। प्रार्थी ने जांच अधिकारी के समक्ष यह कहा कि मैं कोई साक्ष्य प्रस्तुत नहीं करना चाहता हूँ, अतः यह नहीं कहा जा सकता कि जांच अधिकारी दुर्भावना रखते थे। अंत में अप्रार्थी का कथन है कि न्यायाधिकरण अनुशासनिक अधिकारी के निर्णय पर अपील न्यायालय की तरह कार्य नहीं कर सकते और इस संबंध में न्यायालय का दायरा सीमित है। अतः श्रमिक को जो सेवा मुक्ति का दण्ड दिया गया है वह उचित है और श्रमिक कोई राहत पाने का अधिकारी नहीं है।

5. श्रमिक ने अप्रार्थी के जवाब का जवाबुलजवाब पेश किया है और जवाब के तथ्यों से इन्कार करते हुए अपने क्लेम के तथ्यों को दोहराया है। प्रार्थी का कथन है कि यूनिनयन ने श्रमिक द्वारा अधिकृत किये जाने पर ही केस दायर किया है और यूं भी औद्योगिक विवाद अधिनियम में इस तरह की आपत्तियां तकनीकी होने के कारण कोई प्रभाव नहीं डालतीं। प्रार्थी का यह भी कथन है कि जांच अधिकारी का निष्कर्ष पूर्णतया परवर्त होने के कारण अनुशासनिक अधिकारी द्वारा पारित दण्डादेश अनुचित व अवैध है अतः उसे अपास्त किया जावे।

6. यहां यह उल्लेख करना यथोचित होगा कि दिनांक 1-8-1998 के आदेश द्वारा इस न्यायाधिकरण ने श्रमिक के खिलाफ कराई गई विभागीय जांच को उचित व शुद्ध घोषित किया जा चुका है। मैंने प्रकरण में अंतिम बहस सुनी व पत्रावली का अवलोकन किया।

7. प्रार्थी के विद्वान प्रतिनिधि का मुख्य तर्क यह है कि श्रमिक के खिलाफ जो चार आरोप लगाये गये हैं वे इतने गंभीर नहीं हैं कि जिसकी सज़ा सेवा मुक्ति हो। उनका यह भी तर्क है कि इस अधिकरण को धारा 11-ए औद्योगिक विवाद अधिनियम, 1947 (जिसे तत्पश्चात् अधिनियम संबोधित किया जायेगा) के अन्तर्गत सज़ा कम करने के विस्तृत अधिकार हैं और उनका उपयोग कर श्रमिक को जो सज़ा सेवा मुक्ति की दी गई है, जो कि आरोपों के अनुपात में अधिक है, को कुछ कम किया जावे।

8. इसके विपरीत बैंक के विद्वान प्रतिनिधि ने खण्डन में तर्क दिया है कि श्रमिक के खिलाफ सभी आरोप अत्याधिक गंभीर प्रकृति के हैं जो प्रार्थी श्रमिक के दुराचरण को दर्शाते हैं और प्रार्थी के इन कृत्यों से अप्रार्थी बैंक की प्रतिष्ठा को अत्याधिक आघात पहुंचा है व प्रतिकूल

प्रभाव पड़ा है अतः श्रमिक को दिया गया सेवा मुक्ति का दण्ड आरोपों की प्रकृति व अनुपात में पूर्णतया उचित है।

9. मैंने दोनों पक्षों के तर्कों पर गंभीरतापूर्वक विचार किया व जांच पत्रावली में जो सम्पूर्ण पत्र एवं रिकार्ड पेश हुआ है, उनका अवलोकन किया।

10. विधि का यह सुव्यवस्थित सिद्धान्त है कि यह अधिकरण जांच अधिकारी के निष्कर्ष एवं अनुशासनिक अधिकारी द्वारा दिये गये दण्ड में बतौर अपील अधिकारी कार्यवाही नहीं कर सकते। जैसा कि ऊपर कहा जा चुका है कि विभागीय जांच को इस न्यायाधिकरण के आदेश दिनांक 1-8-1998 के आदेश से उचित व सही घोषित किया जा चुका है।

11. अब मेरे समक्ष निर्णयार्थ केवल छोटा सा बिन्दु यही शेष रहता है कि क्या जांच अधिकारी ने अन्यथा विधि के प्रतिकूल कोई कार्य नहीं किया हो तथा जांच पत्रावली पर आई साक्ष्य से श्रमिक के खिलाफ आरोप प्रथम दृष्टया प्रमाणित होते हैं। जांच की समस्त कार्यवाही को देखने से प्रतीत होता है कि इसमें किसी भी प्रकार को कोई प्रतिकूलता नहीं बरती गई है। सेवा मुक्ति का जो आदेश श्रमिक के खिलाफ पारित किया गया है, वह भी चारों आरोप जो श्रमिक के खिलाफ लगाये गये हैं, जो कि अत्यन्त गंभीर प्रकृति के हैं, को देखते हुए अधिक प्रतीत नहीं होता। श्रमिक के खिलाफ जो आरोप जांच से प्रमाणित हुए हैं उनमें प्रार्थी ने बैंक की एक ऋणी इन्द्र बाई की जवान पुत्री कु. आशा के साथ उसके घर जाकर गलत हरकतें करने का है जिससे बैंक की प्रतिष्ठा पर गहरा आघात हुआ है, श्रमिक द्वारा एक गलत प्रथम सूचना पुलिस में दर्ज कराई गई, श्रमिक अपने उच्चाधिकारियों की कुर्सी पर बैठ गया और बैंक के कार्य में बाधा पहुंचाई, तथा कुर्सी पर चढ़कर पंखे के तार उतारकर बैंक की सम्पत्ति को नुकसान पहुंचाया, जैसे गंभीर आरोप श्रमिक के विरुद्ध प्रमाणित हुए हैं। अतः यह नहीं कहा जा सकता कि जो आरोप श्रमिक के विरुद्ध सिद्ध पाये गये हैं वे तुच्छ प्रकृति के हैं, ऐसे में मेरी राय में यह भी नहीं कहा जा सकता कि दिया गया दण्ड आरोपों की तुलना में अधिक हो। ऐसी सूरत में प्रार्थी श्रमिक किसी भी प्रकार का अनुतोष प्राप्त करने का अधिकारी नहीं है।

12. उपरोक्त विवेचन के आधार पर प्रकरण में निम्न अवार्ड पारित किया जाता है :

“स्टेट बैंक ऑफ इण्डिया के प्रबंधतंत्र की श्री जुगल किशोर, लिपिक व खजांची को दिनांक 4-4-1986 से सेवा से बर्खास्त करने की कार्यवाही सही व न्यायोचित है। श्रमिक कोई भी राहत पाने का अधिकारी नहीं है।”

13. अवार्ड आज दिनांक 27-2-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

पी. एल. हिस्सारिया, न्यायाधीश

नई दिल्ली, 13 सितम्बर, 2004

का.अ. 2540.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 23/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-09-2004 को प्राप्त हुआ था।

[सं० एल-22012/401/93-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 13th September, 2004

S.O. 2540.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 23/94) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 13-09-2004.

[No. L-22012/401/93-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT-II, NEW DELHI

PRESENT:

Presiding Officer : R.N. Rai

L.D. No. 23/94

Food Corporation of India Employees Union

Versus

Food Corporation of India

AWARD

The Ministry of Labour by its letter No. L-22012/401/93-IR (C-II) Central Government Dt. 24-02-1994 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of F.C.I., New Delhi was justified in withdrawing the payment of HRA/CCA on increments/allowances granted under different schemes in the form of personal pay from the employees? If not, what relief the workman concerned are entitled to.”

The Union has filed statement of claim. In the statement of claim, it has been stated that there was an agreement between the Management of FCI and the National Coordination Committee of FCI Employees, the FCI issued a circular No. WRC/17/5/89 dt. 10-11-1989 (Annexure-I) authorizing payment of house rent allowance/city compensatory allowance on increments being granted to

employees under different schemes in the form of Personal Pay and this payment was made actually till end of year 1992, effective from 1-8-1987. That through a circular dt. 21-12-1992, the management has withdrawn the benefit unilaterally and ordered recovery of the amount w.e.f. 1-8-87.

That since instructions dt. 10-11-1989 were based upon bilateral settlement, no unilateral decisions should have been taken by the management to the disadvantage of the employees. As such, the Union has challenged the circular letter dt. 21-12-1992 and has prayed for payment in view of MOS dt. 10-11-1989.

The management has filed written statement. In the written statement, it has been stated that the circular of 1992 has been issued by the Ministry of Food, Govt. of India as a clarification that personal pay is reckoned for allowance like CCA/HRA/DA etc. only when there is a loss in pay as a result of promotion etc. and not in any other cases. The HRA/CCA and DA are not to be paid on the allowances in the form of incentives like for small family norms, deputation duty pay etc. According to the management, the allowance by way of incentives do not form part of the basic pay in view of the CCA rules, and clarification received from Ministry of Food letter dt. 7-10-1992. It has been further stated that the basic pay of the employees was fixed in view of the 3rd Central Pay Commission but it was withdrawn by the 4th Central Pay Commission and the employees were getting the payments erroneously. When the matter came to notice a clarification was issued and it was directed that the personal pay will not form part of the basic pay.

The union has filed rejoinder and in the rejoinder, the same averments have been reiterated.

Both the parties have examined witnesses in evidence. Heard arguments from both the sides and perused the papers on the record. It was submitted from the side of the Union that FCI circular dt. 10-11-1989 is a bilateral agreement and Memorandum of Settlement is applicable to the employees of the F.C.I. The recommendations of the Central Pay Commission are not admissible to the employees of the FCI and the employees of the FCI are entitled to get HRA, CCA and DA on their personal pay also. The second question raised was that before changing the condition of service notice under Section 9(A) of the ID Act is necessary and unilateral agreement cannot be taken away and the service conditions cannot be changed without a notice under Section 9(A) of the ID Act. The notice is mandatory. The case law, 1883 (1) SIR 435 (db), 1984 (1) SLR 71 (DB), 1971 (2) SLR (db) AND 1974 (1) SLR (PB), 1990 (1) RSJ 131, 1987 (3) SLR 488 cited by the management are not applicable in the facts and circumstances of the case. I have gone through the citations referred to above and the Hon'ble High Court and the Hon'ble Supreme Court have held that, that a benefit which has been granted to an employee can be taken away by the employer even if it has been continued by mistake. It was submitted from the side of the

management that the basic pay was fixed of the employees in view of the 3rd Central Pay Commission Report and the said benefit was withdrawn in view of the 4th Pay Commission's recommendations of 1986. The employees were given HRA, CCA, DA by a bona fide mistake and when the mistake was detected, the benefit was withdrawn.

It was further submitted from the side of the management that in case the incentives and interim reliefs will be considered as part of basic pay then there will be discrimination in payment and it will contravene the judgment of the Hon'ble Supreme Court. In Surinder Singh's case, the Hon'ble Supreme Court has held that equal pay should be given for equal work. The personal allowances are incentives and they are given for a small family norm or as deputation duty allowance or interim relief, they cannot form part of basic pay. In case, these incentives form part of basic pay, HRA/CCA/DA will be admissible on special allowance also as such the other employees will be adversely affected. A special allowance is given in such circumstances and it never forms part of the basic pay of employees. In General, CCA/HRA/DA are not admissible on personal pay and allowances as in that case, the basic pay of the employees of the same category and of the same type will be adversely affected and the principles laid down by the Hon'ble Supreme Court will be contravened.

The 3rd Central Pay Commission Report and the 4th Central Pay Commission Report and the subsequent Central Pay Commission Reports have not been annexed with the record so it is not certain whether the employees of the FCI are getting the benefits of the Central Pay Commission Report. In case, they are getting other benefits of the 4th Central Pay Commission Report and the subsequent Central Pay Commission Report, they are not entitled to get HRA, CCA/DA on their personal pay. The union ought to have placed before the court the Central Pay Commission Report and it ought to have categorically stated that they are not taking advantage of the Central Pay Commission Reports. In that case their structure of basic pay will remain as it was in 1989 so I have not been able to ascertain whether the employees are getting the basic pay structure of 1989 or their basic pay structure has been subsequently changed in view of the orders of the government and in view of Central Pay Commission's Report. Papers ought to have been annexed with record. An employee cannot approbate and reprobate in view of principles of doctrine of election. It is not certain whether the basic pay structure of 1989 is still continuing or not. The management has also not stated categorically that the employees are getting benefits of the Central Pay Commissions Report. As such, it is difficult to answer the reference.

So far as the notice under Section 9 A is concerned, notice is mandatory and prior to changing the service conditions, the FCI the Ministry of Food should have given a notice under Sec. 9A of the ID Act, 1947. The law

cited by the management are not applicable in the facts and circumstances of the case. The employees are certainly the employees of an industry and for change of service conditions of the employees of the industry, notice is necessary.

In view of the discussions, the reference is replied thus :—

The management of the F.C.I., New Delhi was not justified in withdrawing the payment of HRA/CCA on increments/allowances granted under different schemes in the form of personal pay from the employees. It is directed that the management will give a notice under Sec. 9A of the ID Act and thereafter the basic pay of the employees will be settled. Till the settlement is reached, the employees will not be entitled to get HRA, CCA, DA as prayed for. The payments made in respect of HRA, CCA, DA will not be recovered till the final settlement is reached between the union and the FCI.

The award is given accordingly.

Dt. 02-09-2004

R.N. RAI, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2004

का.आ. 2541.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाद (संदर्भ संख्या 53/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-09-2004 को प्राप्त हुआ था।

[सं० एल-42012/14/2000-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 13th September, 2004

S.O. 2541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 53/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workmen which was received by the Central Government on 13-09-2004.

[No. L-42012/14/2000-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
NEW DELHI

PRESENT:

Presiding Officer : Shri S.S. Bal

I.D. No. 53/2001

In the matter of dispute between :

Shri Baldev Singh,
S/o Shri Dharam Chand,
through The General Secretary,
CPWD Mazdoor Union, E-26 (Old Qtr.),
Raja Bazar,
Baba Kharak Singh Marg,
New Delhi.

.....Workman

Versus

The Director General Works,
CPWD, Nirman Bhawan,
New Delhi.

.....Management

APPEARANCES:

Workman in person with his A/R
Shri B.K. Prasad.
None for the Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/14/2000-IR (C-II) Dt. 9-8-2001 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the D.G., CPWD, Nirman Bhawan, New Delhi, the Executive Engineer (E) Elec. Division No. 15, CPWD, I.P. Bhawan, New Delhi in not regularising the services of Sh. Baldev Singh as Wireman w.e.f. 14-5-86 and on the contrary withdrawing temporary status granted to him w.e.f. 25-3-96 by order dated 7-12-99 is legal and justified? If not, to what relief he is entitled to ?"

2. Brief facts of this case as culled from record are that Baldev Singh was initially engaged as Wireman on muster roll w.e.f. 14-5-86 and was posted in PWD Electrical Division-1, Asaf Ali Road, New Delhi and transferred to ED-XV in the year 1992 and posted at National Museum Janpath, New Delhi; that at the time of his engagement on muster roll he had passed trade test conducted by the Executive Engineer concerned and thereafter he entered into service of the management; it is averred that he has filed his experience certificate as Annexure A certificate of competency Class II for the post of Wireman Photocopy of the same as Annexure B, passed trade test conducted by the Coordination Circle (E) CPWD copy Annexure C and so passed intermediate examination copy of which is Annexure D and certificate from National Council of Training in Vocational Trade Annexure E. That the workman has been getting his wages in the time scale of Rs. 950-1500 with all allowances except increment as per the judgment of Hon'ble Supreme Court in the matter of Surinder Singh and others in which it was observed that those workmen who had completed six months service their services will be regularised but management did not regularise the services of the workman till date; that the C.P.W.D. vide their order No. 38/2/87-EC-X dated 30-9-92

have sanctioned 832 posts of Wireman for regularisation of daily rated workers in compliance of the S.C. orders. The juniors to him (workman) were regularised while he has been left out so this action of the management is also illegal, unjustified so the workman is entitled to be reinstated in the said grade, the executive engineer under which the workman has raised the industrial dispute against non-regularisation, his temporary status was withdrawn by the management w.e.f. 7-12-99. The workman is connected with the construction, sanitation work and maintenance of building owned by Central Government and comes under the definition of Payments of Wages Act and so he is also covered by Industrial Employment (Standing Orders) Act and rules made thereunder. According to Model Standing Rules under Industrial Employment Act a workman having completed 90 days of continuous service is deemed to have attained the status of permanent workman but the management denied the facilities to the workman and thereby discriminated him, that as per the above Model Standing Orders the workman acquired the permanent status after three months service in the grade but the workman has been kept on daily rated on muster roll only with a view to deny him the privileges and benefits and non-regularisation of services by the management is unjustified as well as illegal; that the management has not been regularising the services of workman with a view to exploit him by denying the benefits and fruits of regular workman in the time scale which is unfair labour practice; that as per item No. 10 of the Vth Schedule of I.D. Act dealing with unfair labour practice the Hon'ble Parliament has disapproved the exploitation of workman while inserting the amendments and the same has been taken effect w.e.f. 21-8-84.

"10. To employ workmen as badlis casuals or temporaries and to continue them as such for years with object of depriving them of the status and privileges of permanent workman."

xx	xx	xx
xx	xx	xx

There are thousands of permanent workmen (Wiremen) working in different divisions of PWD/CPWD and keeping these concerned workmen on daily rated is discriminatory and denial of equal status and this action of the management is discriminatory and unlawful; that under the I.D. Act, Industrial Tribunal has the power to classify the workman by grade and set aside the hostile discrimination in the matter of classification by grades of the workman by the above management as per item No. 7 in the IIIrd Schedule under Section 7A of the I.D. Act, 1947; that the action of the D.G. (W) CPWD, Nirman Bhawan, New Delhi in not regularising the services of the workman as Wireman w.e.f. 14-5-86 and also withdrawing temporary status granted to him w.e.f. 25-3-96 by the order dated 7-12-99 passed without following the procedure of natural justice is illegal and unjustified; it is prayed for making an award to regularise the services of Shri

Baldev Singh as Wireman w.e.f. 14-5-86 and also set aside the order date 7-12-99 of withdrawing the temporary status granted to him w.e.f. 25-3-96.

3. Despite several opportunities written statement was not filed by the management and opportunity to file W.S. was closed vide order dated 22-10-2002.

4. Workman has filed his affidavit in evidence and his statement was recorded exparte in support of his claim.

5. I have heard learned counsel for the workman and perused the case file.

6. The workman has claimed regularisation of his services as Wireman w.e.f. 14-5-86 and also setting aside order dated 7-12-99 withdrawing temporary status granted to him w.e.f. 25-3-96. Thus the workman has in fact claimed two reliefs *i.e.* one of regularisation of his services and the other for the restoration of his temporary status which according to him was illegally withdrawn. Perusal of the record shows that the workman was in fact granted temporary status w.e.f. 25-3-96 vide order dated 25-3-96 Ex. WW1/7 which status was subsequently withdrawn vide letter dated 7-12-99 but the letter does not specify the reasons for which temporary status of the workman was withdrawn. There is also nothing on record to show that the workman was given any opportunity before his temporary status was withdrawn vide letter dated 7-12-99 Ex. WW1/8. This has adversely affected the workman and the workman is entitled to the grant of said status in the absence of any evidence to the contrary.

7. Workman in the instant case was initially engaged as Wireman on muster roll w.e.f. 14-5-88 and he has been continuously working uninterruptedly since then without having incurred any blemished entry or record on his part in his service career. The workman has also placed on record a letter dated 30th of September, 1992 Ex. WW1/6 according to which 932 posts were created for regularisation of muster roll workers of the C.P.W.D. which goes to show that there exist regular post in the management of C.P.W.D. Workman has also claimed that his juniors have been regularised while he has been denied the same and that he is possessing requisite qualifications *i.e.* he is having valid licence and he also qualified trade test for regularisation of his services being successful on 18-7-90 conducted by the department of Executive Engineer C.P.W.D. Electrical Division 1st and the post of Wireman is still vacant. His claim goes un rebutted on record. Thus he has proved his case that he is entitled to the relief of regularisation for the post of Wireman in the absence of any evidence on the contrary.

8. In view of the above discussions I am of the view that the workman is entitled to both the reliefs *i.e.* regularisation of his service as Wireman in the management of respondent as well as to the restoration of temporary status and the action of the D.G., C.P.W.D. Nirman Bhawan Executive Engineer Electrical Division in not regularising

the services of the workman Baldev Singh as Wireman w.e.f. 14-5-86 and withdrawing his temporary status granted to him w.e.f. 25-3-96 vide letter dated 7-12-99 is not legal and justified and he is entitled to the reliefs claimed and accordingly award is made.

Dated : 31-8-2004.

S.S. BAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2004

का.आ. 2542.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, डेरेक्टेड आफ राइस रिसर्च प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या 38/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-9-2004 को प्राप्त हुआ था।

[सं. एल-42012/17/2000-आईआर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 13th September, 2004

S. O. 2542.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 38/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Directorate of Rice Research and their workman, which was received by the Central Government on 13-09-2004.

[No. L-42012/17/2000-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Shri E. Ismail, B. Sc. LLB., Presiding Officer

Dated the 30th day of July, 2004

INDUSTRIAL DISPUTE No. 38/2003

BETWEEN:

The Vice President,
All India Trade Union Congress (AITUC)
Local Office, Bhagat Singh Bhawan,
3-128 Chandanagar (V),
Hyderabad-500 050.

... Petitioner Union

AND

The Project Director,
ICAR (Directorate of Rice Research),
Rajendra Nagar, Hyderabad-500 032.

... Respondent

APPEARANCES:

For the Petitioner : M/s. Shaik Anwar Pasha, Renuka
& M.A. Ali, Advocates

For the Respondent : Sri N. Parameswara Reddy,
Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/17/2000-IR(CM.II) dated 27-1-2003 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of Directorate of Rice Research and their workmen.

THE SCHEDULE

"Whether the action of the management of Directorate of Rice Research (ICAR) in not regularizing the services of 60 temporary status mazdoors who are working since 27 years and more as casual mazdoor/temporary status mazdoor is legal and justified? If not, to what relief the workmen are entitled to?"

This reference was registered as Industrial Dispute No. 38/2003 and notices were issued to the parties.

2. The brief facts as stated in the claim statement are : That the members of the Petitioner union are working since last 30 years and above and working continuously without any break of service. Even then, their services were not regularized and benefits under labour enactments have not been extended to them. As such they were constantly demanding for regularisation of their services and also for extension of the benefits mentioned above. Finally the matter was taken up for conciliation before Assistant Labour Commissioner (C), Hyderabad. But the conciliation failed and the matter was referred to this Hon'ble Tribunal. The workers plough the fields and do plantations, spray fertilizers, drive the tillers, sow harvest and transport, etc. During the past three decades out of 67 workers only the services of 7 workers were confirmed and the remaining workers continued without confirmation of their services. They lost other job opportunities and during the course of the period, many of them died and some of them became sick and some of them simply discontinued their services. In other words, the workers are treated as bonded labourers. The ICAR is one of the four research units established through out the country for developing new varieties of rice capable of yielding more quantity with less prone to pests. The unit of Andhra Pradesh was established in the year 1972. The land was acquired by evicting the residents of two villages in Kesi Reddypalli and Madreela of Andhra Pradesh. All the 84 casual labour who were initially engaged in the Research Centre were residents of the said villages and they have lost their lands in the acquisition. Though they received compensation, that was frittered away. They were converted into landless labourers with hand to mouth, depending upon daily wage.

3. The said institution have taken the services of the land outtees by settling them at Srinivasa Nagar near Ramachandrapuram. All the said labourers except two or three, were land outtees and were taken into service since

the inception of the Institution i.e. 1972, and are continuously working and discharging regular nature of work. They were working from 7.30 AM to 4 PM with a 40 minutes lunch break and reach their homes in the evening by 6 PM. They do ploughing, seeding, weeding, planting, spraying the pesticides with no protection to their bodies. The work is continuous in nature through out the year as the farm is operated on scientific lines and not depending upon the changes of seasons.

4. ICAR being an organization of the Central Government instead of acting as a model employer adopting unfair labour practices. The word 'casual labour' is totally misused. The labourers are doing permanent nature of work for more than 30 years. That the labourers of the 1st Party have filed a Writ Petition No. 7395/1989 for regularisation of their services and also extension of benefits under labour welfare legislations through their union leader Sri M. Vikram Kumar, before the Hon'ble High Court of A.P. The Hon'ble High Court of A.P. was pleased to dispose off the said petition on 19-4-93 with the following directions. The Director General of I.C.A.R., Krishi Bhawan, New Delhi was directed to regularize the services of the members of the first party Farm workers with monetary benefit from 29-4-93 onwards, but they were not employed. Second party have even failed to implement the provisions of office memorandum dated 10-9-93 issued by the Ministry of Personnel, P.G. & Pensions, Department of Personnel & Training, Government of India. Still the first party are paid with daily wages @Rs. 163.80 per day and other allowances are not paid. They are not even treated as temporary Group D as stated in the clause 6 of the above said office memorandum and so Group D posts were also not filled up. Except 3 holidays, they are not given the other holidays, no maternity leave is also given. Hence, the Respondent may directed to regularize the services of the workmen by taking their first date of appointment into consideration for all purposes and from the date when they become eligible for regularisation with all the benefits and arrears of salary which are applicable to Group D posts, and pass such other further order or orders as deemed fit and proper in the circumstances of the case.

5. A counter was filed by Dr. V. Mishra, Project Director, with the Respondent organization stating that the Secretary, ICAR has not been made a Respondent, the ID may be dismissed on that ground. That all the allegations are denied. The Scheme "Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India 1993" has been issued by Government of India, Ministry of Personnel and PG & Pensions, Department of Personnel and Training, New Delhi order No. 51016/2/90-Estt. (C) dated 10-9-93 and the same was effective from 1-9-93 and had rendered minimum one year of continuous service. The engagement was on daily rates of pay on need basis. However, as per Government of India's decision, the casual labourers, who acquire temporary

status are not to be brought on to permanent establishment unless they are selected through regular selection process for Group D posts. All the benefits as applicable to them under the above scheme are already being extended to them. Since there were no Group D posts, they could not be considered for appointment on regular basis. For regular appointment there are recruitment rules and it is not automatic. Even if a vacant post of Group D is available it can only be filled as per recruitment rules given in the scheme. Reservation for SC/ST/OBC/Physically handicapped/Ex servicemen applies to Group D posts. Further conditions of age, qualifications etc. also apply. That the members of the first party were working since 1-9-93 as daily rated casual labourers temporary status and the same was conferred on them because they had rendered a minimum of one year of service as casual labourer when scheme came into force. The services can be regularized in Group D posts on the availability of posts and selection as per rules. No posts can be created for accommodating a large number of temporary status staff. It is not correct to suggest that they are treated as bonded labourers since they are conferred already temporary status w.e.f. 1-9-93 and all the benefits as applicable to the temporary status, viz., festival advance, bonus, HRA, CCA and already been paid to them. Their daily wages are also equivalent to Group D staff. They also get increments. The Group D staff has been given a permanent Group D post as and when the post has fallen vacant and this Directorate is not empowered to create a post or to regularize in violation of recruitment rules. The Directorate has not acquire any land at Ramchandrapuram farm and it belongs to ICRISAT. This Directorate is no way concerned with acquisition of land.

6. The work assigned to them is as agricultural labour and they were deployed on need basis. Although they were on rolls of Directorate of Rice Research throughout the year. It is submitted that Indian Council of Agricultural Research is society registered under Societies Registration Act, 1860. It is an instrumentality of Government to undertake research. It has not violated any instructions. Against the decision of the Hon'ble High Court of A.P., dated 29-4-1993 a writ appeal No. 822 of 1993 was filed and followed orders has been given by the Hon'ble High Court of A.P. and the Hon'ble High Court of A.P. held that it has no jurisdiction. That the petition may be dismissed.

7. The President of the ICAR Workers Union and Vice President of AITUC A.P. State Council, Hyderabad, Sri M. Vikram Kumar deposed as WW1. He stated that the claim has been filed in respect of 58 workers and all have been appointed since 1972 and all of them are members of ICAR Workers Union. Their working hours are 7.30 AM to 4.30 PM with 40 minutes lunch break. They were engaged since they lost their entire lands including their houses and they were shifts to Srinivasanagar Colony, R.C. Puram. He further deposed that now they are getting Rs. 180 per day and narrated all the facts stated in the claim

statement and also mentioned about the Writ Petition but did not mention about writ appeal in the chief examination and marked Ex. W1 to W11.

8. In the cross examination he admitted that in the writ appeal the Hon'ble High Court of A.P. directed them to approach Hon'ble C.A.T.. It is correct that in Ex. W1 those who have completed 240 days in a year before 1-9-93 is a scheme was formed for grant of temporary status and regularization. He denied that they are not entitled for any relief.

9. Sri B. Swamy who is General Secretary of ICAR Workers Union deposed as WW2. He deposed the same things as stated in the chief examination of WW1. In the cross examination he deposed that he used to do ploughing and spraying who is working for the last 30 years. He used to sign whenever he used to take wages. They used to pay the wages once in a month calculating the number of days worked. He used to sign in the register maintained by Sri P. Ramulu, Incharge. He denied that they have to approach Hon'ble C.A.T.. He denied that their wages are equal to Group D employees. Even though some of the Petitioners are aged about 40 years, they have been working for the last 30 years and there is no age limit at the time of joining.

10. The Respondent did not produce any evidence. The Respondent counsel was absent from 15-4-2004, 28-4-2004, 10-5-2004, 9-6-2004, 16-6-2004 and 22-6-2004. Hence, the arguments of the Petitioner's counsel were heard and reserved for Judgement.

11. The arguments of the Learned Counsel for the Petitioner are the same as what is written in the claim statement and deposed by WW 1 and WW 2. It will be futile on my part to repeat the argument. However, few points which he submits are, that these persons have been working since 1972 and they were out of the land keeping persons for more than 27 years temporary status mazdoor is wrong. He therefore prays that they may be regularized.

12. As the Respondent counsel was absent he could not argue.

13. Recently I had an Award in ID No. 1/2002 and prior to that I had decided one case against the Management of Hindustan Petroleum Corporation Limited directing regularization and equal pay from the date of Award which was upheld by Hon'ble High Court of A.P., in writ appeal reported in 2002 (4) LLN page 893, it was held that, "So far as regularisation is concerned it is upheld, but equal pay was not allowed on the ground that there was no reference. But regularisation was upheld". This is also a typical case where the parties have been working for more than 25 years. According to 2 LLJ 993 page 937 at page 957 their Lordships observed, "If a casual labourer is continued for a fairly long spell say two or three years—

a presumption may arise that there is regular need for his services". In such a situation it becomes obligatory for the concerned authorities to examine the feasibility of his regularization. While doing so, the authorities ought to adopt a positive approach coupled with sympathy for the person. As has been repeatedly stressed by this Court, "security of tenure is necessary for an employee to give his best to the job". One can imagine the anxiety of a person who works for more than 25 years yet, he cannot call himself as permanent employee. What an amount of mental torture one has to go, one has to see the society at large. It is not U.S.A. where there is hire and fire policy, here in India the jobs are very very scarce and the society looks down (they ought not to, but it is) upon the person who is a daily wage earner. He does not have the mental satisfaction to give his best to the factory or the company for which he works and not only that the Hon'ble Supreme Court in 1990 LLJ page 320 at page 322 have held, "Once the appointments were made as daily rated workers and they were allowed to work for a considerable length of time, it would be hard and harsh to deny them the confirmation in the respective posts on the ground that they lack the prescribed educational qualifications. In our view, three years' experience, ignoring artificial break in service for short period/periods created by the Respondent, in the circumstances, would be sufficient for confirmation... since the Petitioners before us satisfied the requirement of three years of service as calculated above, we direct that 40 of the senior most workmen should be regularized with immediate effect and remaining 118 Petitioners should be regularized in a phased manner". It may be seen that in fact under 5th Schedule of the I.D. Act, Unfair Labour Practice No. 10, "To employ workman as 'badlis', casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent workman", itself is an unfair labour practice. In fact, Sec. 2 (ra) states, badli workers for areas denying permanency despite existence of permanent work is unfair labour practice and also denial to life and livelihood and dignity. So, it may be seen that these people who have been toiling some of them since 1972 are yet called as daily rated workers. One does not only has to live but live with dignity. The Act may provide all reliefs to even those who have completed 240 days of work but, it is question of social stigma attached to the description of daily rated workers. The Hon'ble Supreme Court observed in 2001(1) LLJ page 711 at page 719 para 28 their Lordships held, "we feel that daily rated workers who have been working on the aforesaid posts for such a long number of years without complaint on these posts is a ground by itself for the relaxation of the aforesaid eligibility condition". Their Lordships further observed at para 30, "Thus in view of their long experience on the fact of this case and for the concerned posts the prescribed qualification, if any, should not come in the way of their regularisation".

14. Further, in this case, the Respondent has admitted in page 2 of the counter in para 2, that the Petitioners were working since 1-9-93 and they were granted casual labour temporary status and the same was conferred on them because they had rendered minimum of one year of service as casual labourers when the scheme came into force. Further WWI admitted that in Ex. W1, those who have completed 240 days of service in a year before 1-9-93 a scheme was confirmed for grant of temporary status and regularization. So, it may be seen that as per counter and admission of W1 temporary status was conferred on them as they had rendered a minimum of one year service as the scheme came into force. Any way I am not concerned with the pay part of it because in view of the Judgement of the Hon'ble High Court of A.P. referred above in the writ appeal reported in 2002(4) LLN page 893, that equal pay was not allowed on the ground that there was no reference. Here, the reference is only, "Whether the action of the management of Directorate of Rice Research (ICAR) in not regularizing the services of 60 temporary status mazdoors who are working since 27 years and more as casual mazdoor/temporary status mazdoor is legal and justified? If not, to what relief the workman are entitled to?". But, as they are working since 27 years and by now even more. So scheme for regularization is justified. Hence, the Respondent is directed to regularize the services of all the employees in a phased manner. Keeping in view the reservations of SC/ST/OBC/Physically Handicapped/Ex. Servicemen etc. If some of the employees are more in any category, extra posts shall be created and they shall be regularized. The regularization shall be completed in a phased manner on or before 31st August, 2005. The reference is answered and Award is passed as follows; "the action of the Management of Directorate of Rice Research (ICAR) in not regularizing the services of 60 temporary status mazdoors who are working since 27 years or more as casual mazdoor/temporary status mazdoor is not legal and not justified. Hence, the workmen are entitled for regularization and the regularization shall be done keeping in view the reservations of SC/ST/OBC/Physically Handicapped/Ex. Servicemen etc. If some of the employees are more in any category, extra posts shall be created and they shall be regularized. The regularization shall be completed in a phased manner on or before 31st August, 2005".

Award passed accordingly. Transmit.

Dictated to Kum. K. P. Lani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 30th day of July, 2004.

E. ISMAIL, Presiding officer

APPENDIX OF EVIDENCE

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent :
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WW 1 Sri M. Vikram Kum	NIL
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WW 2 Sri B. Swamy	
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**DOCUMENTS MARKED FOR THE
PETITIONER**

- Ex. W1 : Copy of office memo No. 51-16/2/90-Estt (C)
dt. 10-9-93
- Ex. W2 : Copy of minutes of discussion dt. 1-11-94
- Ex. W3 : Copy of appeal to the ALC (C) by ICARWU
dt. 1-8-95
- Ex. W4 : Copy of appeal to the RLC(C) by ICARWU
dt. 1-8-95
- Ex. W5 : Copy of appeal to the RLC(C) by ICARWU
dt. 9-7-98
- Ex. W6 : Copy of appeal to the Director, IEAR by
ICARWU dt. 9-7-98
- Ex. W7 : Copy of appeal to the Director, ICAR, New
Delhi by ICARWU dt. 21-10-99
- Ex. W8 : Copy of appeal to the Director, ICAR by
ICARWU dt. 25-10-99
- Ex. W9 : Copy of appeal to the RLC(C) by ICARWU
dt. 25-10-99
- Ex. W10 : Minutes of conciliation dt. 8-5-2001.
- Ex. W11 : Failure report sent by ALC(C) dt. 2-4-2002

Documents marked for the Respondent

NIL

नई दिल्ली, 14 सितम्बर, 2004

का.आ. 2543.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एयर लाइंस लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली-I के पंचाट (संदर्भ संख्या 12/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-2004 को प्राप्त हुआ था।

[सं० एल.-11012/03/2002-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 14th September, 2004

S.O. 2543.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2003) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi-I Now shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Air Lines Ltd., and their

workman which was received by the Central Government on 10-09-2004.

[No. L-11012/03/2002-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT**

NEW DELHI

PRESIDING OFFICER : S. S. BAL

I. D. NO. 12/2003

In the matter of dispute between :

Shri R. P. Singh S/o Shri Lal Singh,
House No. F-30, D.D.A. Flats Colony,
Khairpur, New Delhi.Workman
Versus

General Manager (Engineering),
M/s. Indian Airlines Limited,
I.G. I. Airport, New Delhi-10Management

APPEARANCES :

None for the workman,

M/s. Poonam Dass A/R with Shri Anoop Goyal,
Assistant General Manager Personnel
For the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/03/2002-I.R. (C-I) dated 24-1-03 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Indian Airlines, New Delhi in dismissing Shri R.P. Singh, Helper (Enggn.) from service w.e.f. 21-9-98 is legal, fair and legal? If not to what relief is the workman entitled?”

2. Today the case was fixed for appearance of the workman but none appeared for the workman. M/s. Poonam Dass Advocate A/R with Shri Anoop Goyal, Asstt. Manager Personnel made statement that the workman Shri R. P. Singh has been appointed afresh as Helper Engineering at Hyderabad w.e.f. 1-4-2003. Shri R.P. Singh had made an appeal which was considered by the reviewing Authority. It is also Prayed that no Dispute Award may be passed.

3. In view of the above statement of the A/R and Shri Anoop Goyal for the Management No. Dispute Award is passed in this case.

Date 18-8-2004

S. S. BAL, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2004

का.अ. 2544.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को०को०लि०, के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय-II धनबाद के पंचाट (संदर्भ संख्या Comp 5/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-09-2004 को प्राप्त हुआ था।

[सं० एल-20012/56/96-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 14th September, 2004

S.O. 2544.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. Comp. 5/98) of the Central Government Industrial Tribunal-cum-Labour Court, No. II Dhanbad new as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L. and their workman which was received by the Central Government on 10-09-2004.

[No. L-20012/56/96-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
AT DHANBAD**

PRESENT

Shri B. Biswas,

Presiding Officer

In the matter of a Complaint under Section 33A of the I.D. Act., 1947.

(Arising out of reference No. 52/97-Ministry's Order No. L-20012/56/96-IR (C-I) dt. 3-4-97).

COMPLAINT NO. 5 OF 1998

Parties : Sri Hiralal Mahato, Cap Lamp Issue Clerk,
Jealgora Colliery Lodna Area,
BCCL, Complainant.

Versus

The Agent, 2 Pit Jealgora Colliery Lodna Area,
BCCL, P.O. (Lodna), Jealgora, Dist. Dhanbad.

....Opp. Party

APPEARANCES:

On behalf of the complainant : Mr. S. N. Goswami,
Advocate

On behalf of the O.P. : Mr. D. K. Verma, Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 23rd March, 2004

AWARD

This is a complaint petition under section 33A of the I.D. Act, 1947 filed by the complainant against the O.P. Management named above.

The case of the petitioner is that he was appointed by the O.P. Management as Miner/loader in the year 1965 and thereafter he was promoted to the post of Haulage Operator in the year 1967. He submitted that in the year 1983 he fell ill owing to paralysis and remained under treatment of Dr. B. N. Singh who advised him to perform light job. In view of that advice he submitted prayer to the management to provide him with light job and in response to that appeal he was allowed to perform the job of Cap Lamp Issue clerk in the year 1986. He submitted that since his date of assignment he started performing his duties as Cap Lamp issue clerk and in each calendar year he performed the said duty for more than 240 days in the vacant post of Bijoy Biswas who was promoted to Cap Lamp incharge. Accordingly he submitted representations to the management to designate him as Lamp Issue clerk but to no effect and for which he raised an industrial dispute for conciliation which ultimately resulted reference to this tribunal being ref. Case No. 57 of 1997 for adjudication.

The petitioner alleged that during pendency of the aforesaid dispute management/O.P. illegally and arbitrarily stopping him from discharging his duties as cap Lamp Issue clerk reverted him to haulage operator in utter violation of the provision of Section 33 of the I.D. Act as by that order management O.P. intended to change the nature and condition of his service.

In the circumstances the petitioner submitted his prayer to pass necessary order restraining the O.P. to change his service condition till disposal of the original Reference case.

2. The Management/O.P. did not submit any written objection in view of complaint filed by the complainant.

FINDING WITH REASONS

3. Here the point for consideration is whether the management/O. P. by asking the petitioner to take up his original job instead of allowing him to perform the job of Cap Lamp issue clerk has violated the provision of Section 33A of the I. D. Act and if so whether the O. P./management should be restrained to change the service condition of the petitioner till disposal of the original reference bearing No. 52/97 pending before this Tribunal.

It transpires from the record that the petitioner did not consider necessary to adduce any evidence with a view to substantiate his claim. Obviously, management declined to adduce any evidence on their part.

Now considering the petition submitted by the Complainant let us consider if the claim of the petitioner stands on cogent footing or not.

It transpires that the petitioner in the year 1965 got his appointment at Amlabad colliery as Miner/Loader. In

the year 1967 he was promoted to the post of haulage operator. In the year 1983 he fell ill owing to paralysis and doctor advised him to perform light duty job. Accordingly he made an appeal to the management to provide him with light job. In response to his appeal management/O. P. accordingly to him provided him with the job of cap lamp issue clerk. He disclosed that as he performed the job of Cap Lamp Issue Clerk continuously and put his attendance for more than 240 days in each calendar year he made representation to the management/O. P. to change his designation but instead of changing his designation management reverted him to his original post i.e. haulage operator over that issue he raised an Industrial dispute which is pending. He alleged that by the said order management/O. P. intended to change his service condition.

Considering this fact it is clear that his original designation was haulage operator. He was allowed to perform the job of Cap Lamp Issue clerk by the O. P. in view of his appeal as he was a paralytic patient and as doctor advised him to perform light job. It is therefore, clear that neither by way of promotion nor by fresh recruitment he got his posting as Cap Lamp Issue clerk. Accordingly he did not have any right to claim that post. It is seen that as the O. P. on compassionate ground allowed him to perform the job of Cap Lamp Issue clerk the petitioner considered that he acquired right to be designated as Cap Lamp Issue clerk knowing fully well that his actual designation was haulage Operator. He did not hesitate to raise industrial dispute with a view to get his relief. There is no evidence to the effect that the petitioner was allowed to work as Cap Lamp Issue clerk permanently. His posting to that post was absolutely on compassionate ground and absolutely on temporary basis. But the petitioner ignoring this fact intended to establish his claim for his designation as Cap Lamp Issue clerk which I consider is unjust and improper. It is not the case of the petitioner that the management reverted him back to any other post other than his original post. Accordingly there is no scope to say that the O.P. party has committed any illegality asking the petitioner to resume his duties as Haulage Operator. There is no scope to say that by passing the said order they intended to change the service condition of the petitioner. In view of the facts and circumstances discussed above I hold that the concerned petitioner is not entitled to get any relief in view of his prayer.

ORDERED

That the Complaint Case under Section 33A of the I.D. Act., 1947 be and the same is dismissed without cost.

B. BISWAS, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2004

का.आ. 2545.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को०को०लि०, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध

में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथवा न्यायालय धनबाद-II के पंचाट (संदर्भ संख्या 132/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-09-2004 को प्राप्त हुआ था।

[सं० एल.-20012/50/93-आई आर (सी-1)]

एस०एस० गुप्ता, अवर सचिव

New Delhi, the 14th September, 2004

S.O. 2545.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 132/93) of the Central Government Industrial Tribunal/Labour Court, No. II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L. and their workmen which was received by the Central Government on 10-09-2004.

[No. L-20012/50/93-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, AT DHANBAD

PRESENT

Shri B. Biswas,
Presiding Officer

In the matter of an Industrial Dispute under Section 10 (1) (d) of the I.D. Act, 1947.

Reference No. 132 of 1993

PARTIES : Employers in relation to the Management of Bhurungia Project of M/s.BCCL and their workmen.

APPEARANCES:

On behalf of the workman : Mr. D. Mukherjee,
Advocate

On behalf of the Employers : Mr. D. K. Verma,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 27th February, 2004

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(50)/93-I.R. (C.I), dated the 25/30-8-93.

SCHEDULE

“Whether the action of the General Manager, Mahuda Area of M/s. BCCL, P.D. Mahuda Dist. Dhanbad in denying regularisation to S/Shri Ram Prasad and 50 others as per list attached with the order of reference is justified? If not, to what relief are the concerned workmen entitled?”

2. The case of the concerned workmen according to Written Statement submitted by the sponsoring Union on their behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workmen were engaged by the management of Bhurungia Colliery against permanent and prohibited nature of job inside the mine and they used to perform the said job of stone cutting and other jobs under their direct control and supervision. They submitted that the said stone cutting job which they used to perform were prohibited category of job being declared by Govt. of India in February, 1975. They submitted that for doing the said job of stone cutting management used to supply implements and for all purpose they were their employees but knowing fully well of this fact they did not maintain any statutory record regarding them. Even with ulterior motive and to victimise them the management used to disburse wages to them which was much below the rate of N.C.W.A.S. and too in the name of fictitious intermediary. They alleged that such disbursement of wages in the name of alleged intermediary was nothing but a legal camouflage. Accordingly, they submitted representation to the management on several occasions for their regularisation and payment of wages at par with permanent employees and also as per N.C.W.A. but to no effect. They submitted that on the basis of their representation Shri B. K. Singh the then Sr. Personnel Manager enquired into the matter by checking Form-C register and payment sheet confirmed about their performing stone cutting job in the underground of the mine. Accordingly a notesheet was initiated under signature of acting Manager of Bhurungia colliery confirming their engagement in stone cutting job. The said notesheet was also forwarded and recommended by Sri A.D. Shukla, the then Personnel Manager and also forwarded by the then Agent Sri Kumar P. M. (T). They disclosed that inspite of the aforesaid fact, the management instead of regularising stopped them from service in the year 1985 without following the principle of natural justice and also without following mandatory provision of law. In the circumstances, finding no other alternative way the concerned workmen through sponsoring union raised Industrial Dispute before the ALC (C) Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The sponsoring Union accordingly submitted prayer to pass award directing the management to regularise the concerned workman with retrospective effect as stone cutter with full back wages from 1985 alongwith other consequential benefits.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring Union asserted in the written statement for and on behalf of the concerned workmen.

They alleged that the sponsoring Union collecting group of persons who were in search of jobs raised large number of disputes for providing them with employment. They submitted that the present case is one of such dispute for induction of job seekers into the employment of the management through litigation by back door method by passing Employment Exchange and manufacturing documents with the help of and assistance of some of their members working as employees of the colliery.

They submitted that all employments under the management are done strictly by following recruitment rules having been routed through Employment Exchange. They disclosed that identity cards are issued to all workman whether permanent, temporary or casual. Pay slips are given to them to receive payments. There are various documents under the possession of each and every workman to establish that he has been recruited by the management. They disclosed that as the concerned persons were never recruited by the management and were never paid or controlled by the management the question of their regularisation did not arise.

They submitted that only the contractor's workers are not either recruited or paid by the management. They also are not under their control. They categorically denied the fact that the concerned persons even worked the job of stone cutting inside mine under any contractor and for which question of consideration of their employment or regularisation is without any merit. They submitted that as the claims of the concerned persons is absolutely baseless they are not entitled to get any benefit and for which their prayer is liable to be rejected.

4. POINTS TO BE DECIDED

“Whether the action of the General Manager, Mahuda Area of M/s. BCCL, P.O. Mahuda Dt. Dhanbad in denying regularisation to S/Shri Ram Prasad and 50 others as per list attached with the order of reference is justified? If not, to what relief are the concerned workmen entitled?”

5. FINDINGS WITH REASONS

It transpires from the record that the sponsoring Union with a view to substantiate their claim examined two witness viz. WW-1 and WW-2. The Management on the contrary examined one witness as MW-1 in support of their claim.

WW-1 who is one of the concerned workman during his evidence disclosed that since 1975 they engaged by the management to work as stone cutter at Bhurungia Project. He disclosed that as part of their duties they used to make hole in the stone for the purpose of blasting and also used to remove pieces of stones after such blasting. Apart from these works they also were used by the management in connection with other jobs in the mine. He further disclosed that their work was continuous and they used to put attendance for more than 240 days in a

year and their work was to be supervised by the Mining Sirdar. It has also been submitted by him that they used to receive wages from the colliery Pay counter though the same was not at par with the wages of the permanent workers. It has been alleged by him that management in the year 1985 stopped them from work as they placed their demand for payment of wages at par with the permanent employees.

WW-2 who is Zonal Secretary, Bihar Colliery Mazdoor Sabha, and who filed the written statement on behalf of the concerned workman during his evidence disclosed that at the time of appointment the concerned workman who were delisted casual workers were not supplied with any appointment letter. He disclosed that on the basis of a circular management appointed several persons as casual workers. He submitted that nature of job of the stone cutter was permanent in nature and in that capacity the concerned workmen worked under the management. Relying on the document marked as Ext. W-1 this witness disclosed that Sr. Personnel Officer of the management prepared a notesheet. He further disclosed that over settlement of dispute he wrote several letters to the management.

MW-1 who was attached to Mahuda Area since 1975 during his evidence categorically submitted that he did not find the name of the persons incorporated in the list as annexure of the reference who worked in the colliery where he was posted or any of the collieries of Mahuda area. He submitted further that management issued identity card to all workmen of their colliery and their payment are made through Pay sheets. Moreover their name are incorporated in the P.F. Register.

6. Therefore, considering the evidence of the concerned workmen as well as of the management it transpires that they have made claim and counter claim relating to their work at Bhurungia colliery under Mahuda Area. While it is the claim of the sponsoring Union that the concerned workmen worked under the management from 1975 to 1985 the management categorically denied this fact. It is the claim of the management that whenever any workman is engaged in the colliery not only appointment letter but also identity card is issued to him. That worker is also liable to sign attendance register before he is allowed to enter inside the mine for work. Payment to the worker not only is given though Pay sheet but P.F. account also is opened in his favour. It is the contention of the sponsoring Union that the concerned workmen were stopped from duty after rendering their service for more than ten years as they demanded equal pay with the permanent workers. During cross-examination WW-1 admitted that neither management issued any letter of appointment and identity card in their favour nor their names were recorded in the Provident fund register. Actually the sponsoring Union in course of hearing have failed to produce a single scrap of paper to show that the management engaged the concerned workmen in the year 1975 as stone cutter at

Bhurungia colliery and thereafter their work was stopped in the year 1985 excepting the document marked as Ext. W-1. Relying on this document the sponsoring Union submitted that Sr. Personnel Officer of the management prepared a notesheet over the claim of the concerned workman. I have carefully considered the notesheet which appears to be illegible. However, considering this notesheet there is no scope to arrive into definite conclusion that the concerned workmen were actually engaged by the management for performing the job of stone cutter. Notesheet is prepared in discharge of official administration and for which there is no scope to hand over its copy to any worker. It is not the case of the sponsoring Union that a copy of this notesheet was handed over to concerned workmen for future reference. Accordingly they cannot avoid their responsibility to establish its genuinity to the effect that the same was prepared for the interest of the workmen. The sponsoring Union also have failed to establish that it was prepared actually by the said senior Personnel Officer. As such credibility of the notesheet comes to a question and for which it cannot be relied on. The sponsoring Union had the scope to summon the Senior Personnel Officer with a view to establish its genuinity but they did not consider necessary to do so.

7. It transpires from the conciliation file bearing No. 1/113/92 E-4 dt. 30-11-92 that after raising Industrial dispute by the sponsoring Union notice was issued to the management and the management in response to the claim of the sponsoring Union submitted their reply vide No. MPQ/P/93/246(A) dt. 11-1-93 wherein they categorically denied working of the concerned workmen as stone cutter at Bhurungia Project. In Para-2 of the reply they disclosed "that this matter was examined from Bhurungia Project and from the verification of the records of Bhurungia Project it was found that no such workers were engaged by the management of Bhurungia Project directly or indirectly through Contractor in stone cutting job at any time." It is seen from the file of the conciliation officer that in course of hearing of the conciliation matter, Doula Mia, Zonal Secretary of the Union disclosed that previously local secretary, Bihar colliery Kamgar Union raised an industrial dispute before the then ALC (C), Dhanbad over claim of the concerned workmen. It has been further submitted by Doula Mia that at the time of conciliation proceeding there was talk of mutual settlement and as a result of which said Bihar Colliery Kamgar Union withdrew the dispute without the knowledge of the workmen. Later on the Union informed the workmen that the matter has been taken up at headquarter level and decisions over the regularisation of the services of the workmen were expected in due course. It is the allegation of Doula Mia, Zonal Secretary that by giving assurance to the workmen the Bihar Colliery Kamgar Union killed time and thereafter the said workmen went to the office of the ALC (C) to locate the file and came to know that the said dispute was withdrawn years ago and accordingly approached the

union and for which further industrial dispute was raised in the year 1992.

Therefore, it is seen that over the self same issue industrial dispute was raised on two consecutive occasions. In course of evidence both WW-1 and WW-2 have suppressed this fact. However, the facts which Doula Mia Zonal Secretary ventilated about raising Industrial Disputes by Bihar Colliery Kamgar Union for regularisation of the concerned workmen and withdrawal of that dispute by Bihar Colliery Kamgar Union on the basis of talk of settlement finds no support from the record of the conciliation officer. As per allegation of the sponsoring Union the concerned workmen were stopped from work by the management in the year 1985. Accordingly, there is reason to believe that Bihar Colliery Kamgar Union raised industrial dispute thereafter. After long discussion with the management during pendency of hearing of the conciliation proceeding as Bihar Colliery Kamgar Union got assurance from the management about regularisation of the concerned workmen they withdrew the dispute. It is an unbelievable story but Bihar Colliery Kamgar Union without taking steps against the management for not taking positive decision to materialise the talk of settlement unnecessarily assured the workmen for dates together. It also cannot be considered as acceptable story that previous conciliation file was not traced out. From the present conciliation file I do not find any whisper if the present sponsoring Union called for that previous file from the ALC (C) to put up the same incourse of hearing of the present conciliation proceeding. From the conciliation filed I do not find any report of ALC(C) that previous conciliation file was not traceable. Therefore, credibility of the submission of the present Zonal Secretary of the sponsoring Union before ALC(C) in of the management definitely comes to a question.

The Zonal Secretary in course of hearing before the ALC(C) very much stressed on the note sheet prepared by the Senior Personnel Officer which during evidence before this Tribunal was marked as Ext. W-1. The said note sheet was prepared by B.K. Singh, Senior Personnel Officer of Mohuda Area dt. 19-5-1981. The legible portion of his notesheet is as follows "Please find herewith a representation dt. 24-4-81 duly forwarded by the Project Officer Bhurungia Project regarding the persons who have worked under the contractors as stone cutters. I have tried to find out the documents such as Form 'C' Register, Payment register etc. but during my inspection I found in the Form 'C' register only the names of the permanent..... signed along with attendance. I do not find the name of the contractors under whom these contractual labour engaged. Further I have received one certificate regarding 51 persons duly signed by the Acting Manager, Bhurungia Project which is also enclosed herewith for ready reference. Since the Union representative of Bihar Colliery Kamgar Union is pressing hard for settlement of this case hence you are requested to kindly see and give suitable decision regarding

the regularisation of Stone cutter so that suitable reply can be given to the Union representative."

It for argument sake it is taken into consideration that the said notesheet was prepared by Mr. B.K. Singh, Senior Personnel Officer, Mohuda Area there in that case it is clear that a representation was received from contractors worker for their regularisation who worked as stone cutter. It is not the case of the present sponsoring Union for regularisation of contractors worker who worked under the management as stone cutter. Not only in the written statement but also in course of adducing evidence the sponsoring union did not agitate that the concerned workmen worked under the management as stone cutter. It is also not the claim of the sponsoring Union that the contractor who engaged the concerned workmen for stone cutting work was a camouflage one. On the contrary it is evident not only from their written statement but also from their evidence that they were directly engaged by the management for the purpose of stone cutting and removing of stone from the mines.

From the notesheet it further transpires that acting Manager Bhurungia Project issued a certificate in respect of 51 workmen. A certificate issued by an acting Manager cannot be considered as authentic proof that those 51 persons worked under the management as stonecutter until and unless it is substantiated by cogent evidence. However, it is clear from the notesheet that those 51 persons were not contractors workers who were engaged as stone cutter. Accordingly onus absolutely shifts on the sponsoring union to establish that those 51 persons were engaged at Bhurungia Project and worked there since 1975 and put their attendance for more than 240 days in a year and further that they worked as stone cutter particularly when from the notesheet it transpires clearly that during inspection he did not find the name of the contractor in the relevant register. I find no hesitation to say that the sponsoring union in course of hearing has not been able to produce an iota of evidence to substantiate the claim that as stone cutter the concerned workman directly being engaged by the management worked for the period from 1975 to 1985. It is the claim of the sponsoring union that as the concerned workmen submitted representation for regularisation of their service management stopped their work. During hearing the sponsoring Union has failed to produce any copy of the representation which had been submitted before the management. On the contrary from the notesheet it transpires that a representation was given by contractors worker who were engaged for stone cutting work for their regularisation. As the concerned workmen according to their claim were not contractors worker it can safely be taken into consideration that they atleast did not submit any representation to the management for their regularisation which has been transpired from the note sheet. Accordingly in no circumstances the sponsoring Union can not exonerate their responsibility to substantiate

their claim that the concerned workmen discharged their duties as stone cutter being directly engaged by the management.

However, in course of hearing Ld. Advocate for the sponsoring Union referred the following decisions in support of their claim:—

1. 1999 (2) LLN 612 (SC)
2. 1985 Supreme Court cases (L&S) 975.
3. 1996-II LLJ 435 (SC).
4. S.C.L.J. Vol. 15 P. 112 (SC).
5. S.C.L.J. Vol. VI P. 3867 (SC).
6. S.C.L.J. Vol. III P. 1557.
7. 1997 LLR 288 (SC)
8. 1995 II CRL 194.
9. 1987 Lab I.C.P. 619 (SC)
10. FLR-1990 (60) P-20 (SC)

8. In the decision reported in 1999 (2) LLN 612 in connection with Haryana State Electricity Board. Their Lordships of the Hon'ble Apex Court in para 13 observed to the effect that "there is however, a total unanimity of judicial pronouncement to the effect that in the event, the Contract Labour is employed in an establishment for seasonal workings, question of abolition would not arise but in the event of the same being perennial in nature, that is to say, in the event of the engagement of labour force through intermediary which is otherwise in the ordinary course of events and involve continuity in the work, the legislature is canded enough to record its abolition since involvement of contractor may have its serious evil of labour exploitation and thus he ought to go out of scene bringing together the principal employer and the contract labourers rendering the employment as direct and resultantly a direct employee." In arriving into this conclusion Their Lordship refereed to the decision of Air India Statutory Corporation Vs. United Union (1993) (1) LLN 75.

9. Again the decision reported in 1985 Supreme Court cases (L&S) 975 in connection with Reserve Bank of India and others Their Lordships of the Hon'ble Apex Court observed that striking out the names of workmen from rolls amounts to retrenchment covered by Sec. 25F of the I.D Act if it is found that the workmen actually worked for a continuous period of more than 240 days in a year including Sundays and other paid holidays.

10. In the decision reported in 1996 II LLJ P. 435 (SC) in connection with the Employees State Insurance Corporation Hyderabad vs. M/s. Rajakmal Transport & Anr. Their Lordship of the Hon'ble Apex Court observed to the effect "It is seen that the Insurance Court after elaborate consideration found as a fact, the appellants have the control over loading and unloading of the goods entrusted to the appellants. The appellants regular business is transportation of goods entrusted to as carrier. When the goods are brought to the ware house of the appellants, necessarily the appellants

have to get the goods loaded or unloaded through the Hamalis and they control the activities of loading and unloading. It is true as found by the Insurance Court that instead of appellants directly paying the charges from their pocket, they collect as a part of the consideration for transportation of the goods from the customers any pay the amount to the Hamalis. The test of payment of salary or wages in the facts of this case is not relevant consideration. What is important is that they work in connection with the work of the establishment. The loading and unloading of the work is done at their directions and control." While in the decision reported in S.C.L.J. Vol. 15 P-112 (SC) in connection with the case of Hussainbhai, Calicut Vs. The Alath Factory Thexhil Ali, Union Kozhikode and others. Their Lordships observed "The true test may, with brevity, be indicated once again. Where a worker or group of workers labours to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employers. He has economic control over the workers subsistence, skill and continued employment. If he for any reason chokes of the worker is virtually laid off. The presence of intermediate contractors with whom alone the workers have immediate or direct relationship excontract is of consequence when, on lifting the veil or looking at the conspectus of facts governing employment, discern the naked, truth, though dropped in different perfect paper arrangement, that the real is the management not the intermediate contractor. Myriad devices, half hidden unfold after fold of legal forum depending on the degree of concealment needed, the type of industry, the local conditions and the like may be restored to when labour legislation casts welfare obligation on the real employer, based on Articles 38, 39, 42, 43 and 43-A of the Constitution. The Court must be astute to avoid the mischief and achieve the purpose of the land and not to misled by the maya of legal appearances.

If the livelihood of the workmen substantially depends on labour rendered to produce goods and services for the benefit and satisfaction of an enterprise, the absence of direct relationship or the presence of dubious intermediaries or the make believe trapping of detachment from the management cannot snap the real life bond. The story may vary but the inference defines ingenuity. The liability cannot be shaken off.

Again in the decision reported in LLJ Vol. II 1964 P-633 (SC) in D.C. Dewan Mohidaan Sahib and Sons and another Vs. United Bidi Workers Union, Salem and another Their Lordships of the Hon'ble Apex Court observed to the effect "on a review of entire evidence in the instant case the Industrial Tribunal found that the system of bidi manufacture through the so called intermediaries (styled as contractors) was a mere camouflage devised by the bidi manufacture. The Industrial Tribunal also found that the so called contractors were indigent persons and served no particular duties and discharged no special functions. Raw materials were furnished by the manufacturers to be manufactured

into finished product by the workmen and the contractors had no other functions except to take the raw materials to the workmen and gather the manufactured materials. It therefore held that so called contractors were not independent contractors and were more employees or were functioning as branch managers of various factories, their remuneration being dependent upon the work turned out. Hence it held that the bidi rollers were the employees of the bidi manufacturers and not of the so called independent contractors. The writ petition preferred by the employer to get the award quashed was however allowed but in the Writ appeal preferred by the concerned workmen the conclusions of the Industrial Tribunal were upheld."

Further in the decision reported in 1997 LLR 288 (SC) arising out of AIR India Statutory Corporation Vs. United Labour Union and others. Their Lordships of the Hon'ble Apex Court observed "When the contract labour system is abolished by necessary implication, the principal employer is under obligation to absorb the contract labours. The linkage between the contractor and the employee stood snapped and direct relationship stood restored between the principal employer and the contract labour as its employees. Considered from perspective all the workmen in the respective services working on contract labour are required to be absorbed in the establishment of the Principal employer."

In the decision reported in 1995 11 CLR 194 (SC) in Parimal Ch. Laha and Ors. Vs. Life Insurance Corporation of India and Ors. Their Lordships of the Hon'ble Apex Court observed "that the canteen workers are in fact the employees of the respondent corporation and they are entitled to minimum of the salary paid to Class IV employees of the Corporation."

In Catering cleaners of South Eastern Railway Vs. Union of India reported in 1987 Lab. I.C. 619. Their Lordships of the Hon'ble Apex Court observed that "on the facts and the report of the Parliamentary committee of petitions on the question of employing catering cleaners on contract labour system that the work of cleaning catering establishment and Pantry car is necessary and incidental to the Industry or business of the Southern Railway and so requirement (a) of Sec. 10(2) is satisfied, that it is of perennial nature and so requirement (b) is satisfied, that the work is done through regular workmen in most railways in the country and so requirement of sufficient number of whole time workmen and so requirement (d) is also satisfied. Thus all the relevant facts mentioned in Sec. 10(2) appears to be satisfactorily accounted for. In addition is the factor profitability of the catering establishment."

In Shankar Mukherjee & others Vs. Union of India and others reported in FLR, 1990 (60) P. 20 (SC). Their Lordships of the Hon'ble Apex Court observed "It is surprising that more than forty years after the independent,

the practice of employing labour through contractors by big companies including public sector companies is still being accepted as a normal feature of labour employment. There is no security of service to the regular workmen of the company. This Court in Standard Vacuum Refining Co. of India Ltd. Vs. Its workman (1) and catering cleaners of Southern Railway (2) has disapproved the system of contract labour holding it to be 'archaic', 'Primitive', and of Painful nature. The system, which is nothing but an improved version of bonded labour, is sought to be abolished by the Act. The Act is an important piece of social legislation for the welfare of labourers and has to be liberally construed."

Learned Advocate for the workman in course of extending argument submitted that the alleged contractor was a camouflage one and it was the management who indigence of the said camouflage contractor exploited the service of the workmen for years together. Learned Advocate submitted that the concerned workmen should be considered as regular workmen of the management and in support of this claim he relied on the decision reported in SCLJ Vol. VIP. 3867. In the said decision arising of M/s. Basti Sugar Mills Ltd. and Ram Ujagar. Their Lordships observed "It was with a view to remove the difficulty in the way of workmen employed by contractors that the definition of employer has been extended by sub-clause (iv) of Sec. 2 (j). The position thus is (a) that the respondents are workmen within the management of Sec. 2(z), being persons employed in the industry to do manual work for reward and (b) they were employed by a contractor with whom the appellant company had contracted in the course of conducting the industry for the executions by the said contractor of the work of removal of press mud which is ordinarily a part of the Industry. It follows, therefore, from Sec. 2(z) read with sub-clause (iv) of Sec. 2(i) of the Act that they are workmen of the appellant company and the appellant company is their employer."

On the contrary learned Advocate for the management relying on the decision of the Hon'ble Apex Court reported in 2001 Lab. I.C. 3656 submitted that there is also no scope for direct absorption of the concerned workmen considering them as regular employees even if it is held that they were camouflage contract labour. Their Lordships of the Hon'ble Apex Court observed in the decision referred to above that "Neither Section 10 of the Contract Labour (Regulation and Abolition) Act or any other provision in the Act, whether expressly or by necessary implication, provides for automatic absorption of contract labour on issuing a notification by appropriate Government under sub-sec. (i) of Section 10 prohibiting employment of contract labour in any process, operation or other works in any establishment. Consequently the principal employer cannot be required to order absorption of the contract labour working in the concerned establishment. Accordingly the Lordships of the Hon'ble

Court overruled the judgment of Air Indias Case. Their Lordship in this judgment further observed that on issuance of prohibition notification under Sec. 10(1) of the Contract Labour (Regulation and Abolition) Act prohibiting employment of contract labour or otherwise in an industrial dispute brought before it by any contract labour in regard to conditions of service, the industrial adjudicator will have to consider question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance of various beneficial legislations so as to deprive the workers of the benefit thereunder. If the contract is found to be not genuine but a mere camouflage, the so called contract labour will have to be treated as employees of the principal employer who shall be directed to regularise the services of the contract labour in the concerned establishment subject to the condition as may be specified by it for that purpose in the light of para-6 of the judgment. Hon'ble Court in para-6 observed if the contract is found to be genuine and prohibition notification under Section 10(1) of the Contract Labour (Regulation and Abolition) Act in respect of the concerned establishment has been issued by the appropriate Govt. prohibiting employment of contract labour in any process, operation or other work of any establishment and where in such process operation or other work of the establishment the principal employer intends to employ regular workmen he shall give preference to the erstwhile contract labour, if otherwise found suitable and if necessary by relaxing the conditions as to maximum age appropriating taking into consideration the age of the workers at the time of their initial employment by the contractor and also relaxing the condition as to academic qualifications other than technical qualification."

Therefore, from the decision referred to above it is clear that when there is prohibitory order U/s. 10(1) of the contract labour (Regulation and Abolition) Act and knowing fully aware of that order if the management engages contract labour thereby it will not confer any right to place claim for direct absorption of the contract labour in the organisation but if it is established that the contractor is a ruse/camouflage in that case the contract labours should be considered as employers of the management though in the matter of their absorption the guidelines given in para-6 should be followed.

In the instant case it is not the claim of the sponsoring Union that the concerned workman worked under the contractor who was a camouflage one. Therefore, it is redundant to discuss if the management in disguise of the contractor engaged the concerned workmen. Here it is the claim of the sponsoring Union that the concerned workmen were engaged by the management and they worked directly under them and used to perform the job of stone cutting and other jobs which were permanent in nature.

I have already discussed above in details that to substantiate their claim the sponsoring Union have failed to produce a single cogent paper. They relied on the notesheet Ext. W-1 in support of their claim but in view of my discussion above I find no hesitation to say that the concerned workmen have failed to establish their existence under the management as stone cutter.

Accordingly, after careful consideration of all the facts and circumstances I hold that the sponsoring Union have failed to substantiate their claim with reasonable certainty and for which they are not entitled to get any relief.

In the result, the following Award is rendered :

"The action of the General Manager, Mohuda Area of M/s. BCCL, P.O. Mohuda, Distt. Dhanbad in denying regularisation to S/Shri Ram Prasad and 50 others as per list attached with the order of reference is justified. Consequently the concerned workmen are not entitled to get any relief."

B. BISWAS, Presiding Officer

Name of the workers :

1. Sh. Ram Prasad S/o Dilip, Vill. Murlidih, P.O. Mahuda, Distt. Dhanbad.
2. Sh. Jamuriddin Mian S/o Khairati Mia. Vill. Murlidih, P.O. Mahuda, Distt. Dhanbad.
3. Sh. Dhura Bahax Rawani S/o Singhasan Rawani, Vill. Bhurungia, P. O. Mahuda, Dt. Dhanbad.
4. Sh. Nouni Gopal S/o Jhilmit of Murlidih of Bhurungia, P.O. Mahuda, Distt. Dhanbad.
5. Sh. Dhirulal Mahato S/o Mangru Mahato of Bhurungia, P.O. Mahuda, Distt. Dhanbad.
6. Sh. Karim Sekh S/o Khairati Sekh of Murlidih, P.O. Mahuda, Distt. Dhanbad.
7. Sh. Daya Shanker Pd. S/o. Kishan Pd. of Murlidih, P.O. Mahuda, Distt. Dhanbad.
8. Sh. Karnal Pd. Rawani S/o. Laloo Rawani of Murlidih, P.O. Mahuda, Distt. Dhanbad.
9. Sh. Uma Shanker Lal S/o Motilal of Bhurungia, P.O. Mahuda, Distt. Dhanbad.
10. Sh. Arun S/o Mangru —Do—
11. Sh. Ramali —Do—
12. Sh. Maibondra —Do—
13. Sh. Krishnandu Bikash —Do—
14. Sh. Alakhdoos Singh S/o Kripal Singh —Do—
15. Sh. Kripali —Do—
16. Sh. Majit Lal S/o Jawahar Lal —Do—
17. Sh. Pradip Lal S/o Birendra Lal of Murlidih, P.O. Mahuda, Distt. Dhanbad

18.	Sh. Gokul Rawani S/o. Kishan Rawani	P. O. Mahuda, Dt. Dhanbad
19.	Sh. Kali S/o Budhu	—do—
20.	Sh. Bishwajit S/o	—Do—
21.	Sh. Rahim Mia S/o	—Do—
22.	Sh. Shambhu Rawani. S/o Vill, Bhurungia P.O Mahuda, Dhanbad	—Do—
23.	Sh. Uttam Rawani S/o	—Do—
24.	Sh. Rajdeo S/o Krishna Deo	—Do—
25.	Sh. D. Rawani S/o	—Do—
26.	Sh. Binod S/o Janardhan Pd.	—Do—
27.	Sh Kayum Vill, Murlidih, P.O Mahuda, Distt. Dhanbad	—Do—
28.	Sh. Rajendra S/o	—Do—
29.	Sh. Jitendra S/o Upendra Kumar	—Do—
30.	Sh. Niranjan S/o Kapil	—Do—
31.	Sh. Raja Ram S/o Bajendra Ram	—Do—
32.	Sh. Ramakant S/o Sri Kant	—Do—
33.	Sh. Md. Ranuddih S/o	—Do—
34.	Sh. Gopal S/o Bhopal	—Do—
35.	Sh. Somendra S/o	—Do—
36.	Sh. Arjun S/o	—Do—
37.	Sh. Asshis S/o	—Do—
38.	Sh. Danglal S/o. Vill Murlidih, P.O. Mahuda Distt.	—Do—
39.	Sh. Suleman S/o	—Do—
40.	Sh. Ali Hussain S/o Sarajudaula Mja	—Do—
41.	Sh. Ahmed Hussain S/o	—Do—
42.	Sh. Samad Ansari S/o	—Do—
43.	Sh. Apit Banerjee S/o B.N. Banerjee of Bhurungia P.O Mahuda Dhanbad.	—Do—
44.	Sh. Piyarjar Banerjee S/o	—Do—
45.	Sh. Apit Ghosh S/o Robin Ghosh	—Do—
46.	Sh. Sultan S/o Siraj Mian Vill. Murlidih P.O Mahuda, Dhanbad	—Do—
47.	Sh. Mustaffa S/o	—Do—
48.	Sh. Kamal Khan S/o Javed Khan	—Do—
49.	Sh. Noushad Khan S/o	—Do—
50.	Sh. Nahaj Khan S/o	—Do—
51.	Sh. Javed Khan S/o Noor Md. Khan	—Do—

नई दिल्ली, 15 सितम्बर, 2004

का.अ. 2546.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संघर्ष नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 140/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-2004 को प्राप्त हुआ था।

[सं. एल-42012/74/97-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th September, 2004

S.O. 2546.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 140/98) of the Central Government Industrial Tribunal/Labour Court No. -I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 15-9-2004.

[No. L-42012/74/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT

NEW DELHI

PRESIDING OFFICER: SHRI S. S. BAL

I. D. No. 140/98

In the matter of dispute between:

Shri Raghuvir Singh,
C/o CPWD Mazdoor Union,
E-26, Old Qtr, Raja Bazar,
Baba Kharak Singh Marg,
New Delhi-110 001.

Workman

Versus

The Director, General (Works),
M/s. Central Public Works Deptt.
Nirman Bhawan,
New Delhi-110 001,

Management

APPEARANCES: Workman with Sh. B. K. Prasad,
Shri Anil Tripathi A/R for Mgt,

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/74/97IR-(DU) dated 28-5-04 has referred the following industrial dispute to this Tribunal for adjudication:—

"(1) Whether the action of the management of CPWD in superannuating Shri Raghuvir Singh,

Mali Posted in Sub-Division I of Development Division-2, Horticulture CPWD at Mool Chand Nursery w.e.f. 31-12-96 by arbitrarily treating his date of birth as 30-12-36 instead of 10-12-48 as taken at the time of his first appointment is just, fair and legal? If not, what relief the concerned workman is entitled to?

(2) Whether the action of the management of CPWD in not regularising the services of Shri Raghuvir Singh, Muster roll mali w.e.f. 25-5-87, when his junior were regularised is just, fair and legal? If not, what directions are necessary in this regard?"

2. Concisely facts of this case are that the workman Shri Raghuvir Singh was initially engaged on muster roll as Mali w.e.f. 12-12-81 and is presently posted in Sub-Division I. He submitted his affidavit on 30-4-87 stating his date of birth 10-12-48 which was confirmed by the recent medical examination of the workman. He received equal pay for equal work in the pay scale of 196-232 pursuant to i.e the Supreme Court judgment case of Surinder Singh and another Vs. Engineer-in Chief CPWD. The Hon'ble Supreme Court also expressed hope that the management would regularise the services of all the workmen who had completed six months of service but it failed to implement the said direction pertaining to the applicant-claimant Raghuvir Singh. It is further averred that the claimant-applicant was granted temporary status w.e.f. 1-9-93 vide order dated 17-1-94. Many workmen were regularised during the year 1986 but the claimant workman has been left out due to arbitrary attitude of the management. He performed duties of group D employees in the category of Mali since inception from 22-12-81 but he was arbitrarily not found fit for regularisation by the screening committee on the ground that he was found over aged which is in violation of the above said S.C decision in Surinder Singh's case and this act of the screening committee is also without jurisdiction and arbitrary. It is averred that the workman worked upto 31-12-96 and arbitrarily superannuated on 31-12-96 treating his date of birth as 31-12-36 without any valid reasons. His date of birth as mentioned in his affidavit as 10-12-48 and confirmed by medical examination is correct but he was arbitrarily superannuated from the service as mentioned above. He was discriminated in the matter of regularisation also. He got three increments instead of regularisation in the service in the grade of Rs. 750-940 from the same date as his juniors namely Shri Mithan S/o Mange Ram, Satbir Singh s/o Mahabir Singh, Sardare S/o Shri Baldev etc. were regularised during the year 1987. The workman belongs to the category of backward community and he is entitled to special treatment on direct recruitment also. Hence the management also violated instructions of Government of India for providing 27% reservation. The same was accepted by the management but the management arbitrarily his date of birth as 30-12-36 instead of 10-12-48

and according to this date of birth he will be superannuated on 31-12-2008. Thus the workman has claimed that his date of birth as 31-12-36 be set aside. He has also claimed regularisation of service w.e.f. 25-5-87 in the time scale of Rs. 750-940 like his juniors and he is thus entitled to subsequent revision of pay w.e.f. 1-1-96. ...

3. The management contested the claim of the workman by filing written statement raising therein pleas that the present reference has been mechanically referred to this court by the Ministry of Labour and is liable to be dismissed and that the workman has also filed mentioned his date of birth as 30-12-36 in the service record of management and the same was informed to the workman on various occasion vide many circulars issued by the management during service period and further at the time of regularisation the age of the workman along with other workers was confirmed through a proper medical examination by the Doctor Vinay Hans Senior Medical Officer C.G.H.S Dispensary, Rajouri Garden, New Delhi vide his report dated 22-12-86 wherein the age of the workman has been shown between 45 to 50 years at S. No. 82. The screening Committee also considered the exact and real date of birth of the workman as 30-12-36. The claim of the workman is false and concocted. On merits his appointment, remaining in service and superannuation are not denied. However, it is denied that the workman is illiterate rather according to the management he is educated and that he very well knows that his date of birth is 30-12-36. It is further stated that the facts of the case of Surinder Singh are not applicable to the instant case. The workman was given an opportunity for regularisation during the year 1987 through trade test but he could not qualify the same because he was over aged at that time. It is further stated that the workers who were found fit for regularisation were regularised. It is denied that the workman has been left out arbitrarily as stated. The screening committee never violated directions of the Supreme Court in Surinder Singh's case as stated. The management never accepted that the date of birth of the workman was 10-12-48 as mentioned in his affidavit.

4. In the rejoinder the workman refuted averments made in the written statement and reiterated his contents of the statement of claim as correct.

5. Both the parties adduced/led evidence and after closure of evidence arguments were heard.

6. Controversy in this case centres round the date of birth of the workman. He claims that his date of birth is 10-12-48 and the management has wrongly changed the same as 31-12-36. However, according to the management claimants/workman's date of birth is 31-12-36 and not 10-12-48. Management claims that workman has joined service on 10-12-81 and he had given his date of birth as 30-12-36 in the record of the management and the same was confirmed by the workman on various occasions.

The management has never accepted the date of birth of workman was given in his affidavit as 10-12-48. The management claims that this claim of workman about his date of birth being 10-12-48, is false. Management also claims that the Dr. Vinay Hans C.G.H.S. Dispensary, Rajouri Garden has also opined on 22-12-86 the date of birth of the workman on his physical appearance in between 45 to 50 and as such his date of birth as per statement management witness MW1 Shri Ganga Ram Deputy Director in his cross-examination is 30-12-36. It has not been suggested to him that the workman has not given or filed his date of birth as 30-12-36. According to management witness MW1 as mentioned in the affidavit date of birth of the workman is 30-12-36 in the record of the management and that Dr. Vinay Hans of C.G.H.S. Dispensary, Rajouri Garden also opined the date of birth in between 45 to 50. If the age of the workman in the year 1986 vide report Ex. MW1/2 dated 22-12-86 is taken as 50 years then the date of birth comes to 1936 falls in the year and corresponds to the year 1936 because a person having date of birth in the year 1936 attains the age of 50 in the year 1986. Thus the Doctors opinion/ report Ex. MW1/2 supports the statement of MW1 of management witness in his affidavit that the workman has given his date of birth in the record of the management as 30-12-36. Rule 79(A) of General financial Rules requires workman to declare his date of birth at the time of his appointment by the christian era with as far as possible confirmatory documentary evidence such as a matriculation certificate, municipal birth certificate and so on. If the exact date is not known as a appropriate date shall be given and the assumed date of birth under rule 80 shall be determined as per rule 79(2). Statement of MW1 that workman has given his date of birth at the time of his joining as 30-12-36 has not been challenged in his cross-examination that he (the workman) has not furnished his date of birth. Workman has joined the service on 12-12-81 but furnished his affidavit in 1987 mentioning his date of birth as 10-12-48, 6 years after joining the service. The same cannot be accepted as the same has not been given immediately on joining the service. Dr. Vinay Hans in his report Ex. MW1/2 dated 22-12-86 has opined the age of the workman/workers including present workman on the basis of their physical appearance only and he also mentioned that to determine the exact date of birth of the workers, further Forensic Medical Specialist report was absolutely necessary in the instant case. Forensic Medical Specialist, was not contacted. However, the date birth of the workman as 30-12-36 as initially disclosed by him at the time of joining as per statement on affidavit Ex. MW1/1 is further supported by report of Dr. Vinay Hans Ex. MW1/2 according to which the date of birth of the workman has been given as 40 years to 50 years. The workman is aged about 50 years in the year 1986 as per the report of Dr. Vinay Hans Ex. MW1/2 so his date of birth falls in the year 1936 and his date of birth in the list dated 20-10-95

Ex. MW1/3 is also mentioned as 30-12-36. He (the workman) has never raised any objection regarding his date of birth year when he joined in the year 1981 and later on in the year 1995 but raised industrial dispute only after his retirement in the year 1996 two years after his retirement in the year 1988. He could have very well raised industrial dispute during his service much before his retirement when he filed his affidavit in the year 1987 but he chose not to do so which goes to show that he accepted his date of birth as 30-12-36 as mentioned by the department. Moreover, this age i.e. 30-12-36 of the workman has been also mentioned in the list of workers Ex. WW1/3 dated 20-10-95 Ex. MW1/3 but the workman never raised any objection regarding his date of birth and raised industrial dispute only after his retirement in the year 1998 two years after his retirement in the year 1996. The workman is estopped from raising this industrial dispute after he has retired from service. In saying so I am reinforced with the observation of the Apex Court in a decision reported in Hindustan Lever Ltd. Vs. S.M. Jadhav & another reported in 2001 LLR 581 Supreme Court of India wherein it was held that the respondent (the employee) cannot be allowed to raise the question of his age at the fag end of his service career. The decision reported in 1981 Lab. I.C. 880 relied upon by Learned A/R of the claimant is not applicable to the facts of present case as the management has not changed the date of birth of the claimant as in the above referred decision. In the said case the department changed the date of birth without notice but in the present case workman furnished his date of birth at the time of joining as 30-12-36 as per statement of MW1 which (date of birth) was supported by physical examination by Dr. Vinay Hans vide his report Ex. MW1/2 as mentioned above. Hence it can safely be concluded that the date of birth of the workman was 30-12-36 and not 10-12-48. He has been working regularly from 1981 to 1996 but till he retired, he was given temporary status only but not regularised by the screening committee on account of his being over aged. He has not challenged decision of the screening committee in evidence. No word was whispered during arguments regarding regularisation. Moreover, the workman has since retired from service, therefore, he cannot be allowed to raise question of regularisation 2 years after in year 1996 his date of retirement.

7. In view of the above discussions I am of the opinion that the date of birth of the workman is 30-12-36 and not 10-12-48 as claimed by the workman after 6 years of joining the service. He is also not entitled to regularisation.

Award is passed accordingly.

Dated: 30-8-04

S. S. BAL, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2004

का.आ. 2547.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्द्रल सिल्क बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न.० I, नई दिल्ली के पंचाट (संदर्भ संख्या 125/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-2004 को प्राप्त हुआ था।

[सं० एल-42011/28/93-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th September, 2004

S.O. 2547.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.125/94) of the Central Government Industrial Tribunal/Labour Court No-I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Silk Board and their workman, which was received by the Central Government on 15-09-2004.

[No. L-42011/28/93-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, NEW DELHI

Presiding Officer Shri S.S. BAL

LD. No. 125/94

In the matter of dispute between :

Smt. Shanti Devi & 15 others
through Mantri,
Silk Board Karamchari Sangh,
Local Bus Stand, Dehradun-248001 .. Workman

Versus

Director,
Central Silk Board, Sehaspur,
Peetu Farm, Sheeshbara
Bashiwala, Dehradun-248001 .. Management

Present :

Shri Vijender Sahai, Dy. Director for the Management with Sh. Jog Singh, Advocate.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/28/93-IR(DU) dated 4-11-94 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether it is proper to grant equal benefits and pay to Smt. Shanti and 15 others said farm workers equivalent to the permanent worker of seed farm? If not, to what remunerations they are entitled to?"

2. Thereafter the above reference was referred to this Tribunal and initially workmen filed the statement of claim claiming that they have worked for 250 days continuously in a year which is more than 240 days continuously in a year and are entitled to be regularised or made permanent and entitled to equal pay and benefits to that of permanent employees.

3. Claim has been contested by the management averring that there are no regular vacancies. They are not entitled to be regularised and not entitled to benefits of wages and pay.

4. During the pendency of the proceedings some compromise was arrived at between the parties and the Management stated that dispute has been resolved. Shri Vijender Sahai appeared for the management and stated that the controversy has been resolved and he made the following statement that all the workmen in this case have been granted status of time scale farm workers and they are entitled to regular pay scale of Rs. 1200-1700 and that they are also being given facilities of medical reimbursement, leave, maternity leave etc. etc. and they shall be considered for regularisation as per scheme in the course on the basis of their qualifications and availability of vacancy under the scheme and in view of this No. dispute remained with the workman. Workmen have also given in Writing Ex. M1 according to which they admitted that they have no grievance or disputes with the Management and they requested to close the case and to pass a No dispute award. None of the 15 workers appeared. Moreover, from statement of Shri Vijender Sahai, Deputy Director of Management it is apparent that there remains no dispute between the workmen and the management. Hence No dispute Awarded is hereby given in view of the statement of Shri Vijender Sahai, Dy. Director of the Management.

Dated : 2-9-2004.

S. S. BAL, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2004

का.आ. 2548.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न.० I, नई दिल्ली के पंचाट (संदर्भ संख्या 67/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-2004 को प्राप्त हुआ था।

[सं० एल-42012/156/89-डी 2 (बी.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th September, 2004

S.O. 2548.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 67/90) of the Central Government Industrial Tribunal/Labour Court No-I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 15-09-2004.

[No. L-42012/156/89-D-2 (B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, NEW DELHI

Presiding Officer Shri S. S. BAL

I.D. No. 67/90

Shri Chander Bhushan Thakur,
Through President, C.P.W.D. Mazdoor Union,
E-26 (Old Quarters) Raja Bazar,
Baba Khark Singh Marg, New Delhi.

Versus

Superintending Engineer,
Delhi Central Electrical Circle-VII,
CPWD, East Block-I, R. K. Puram,
New Delhi.

Present :

Shri B.K. Pd. A/R for workman.

Shri Balvant Singh, Office Superintendent
For management

AWARD

The Central Government in the Ministry of Labour Vide its Order No. L-42012/156/89-D-2 (B) dated 05-07-90 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the Superintending Engineer, Delhi, Central Electrical circle-VII, CPWD, New Delhi not giving employment to the retrenched workman Shri Chander Bhushan Thakur, Asstt. Mechanic (Muster roll in MRM Project, Nepal) though offered an appointment letter on 12-10-84 by the E.E., MRM Circle No. I, Butawal and not allowing him as he did not join within stipulated time was justified. If not, to what relief the workman is entitled to” ?

2. Brief facts of the case as culled from record are that the workman, Sh. Chander Bhushan Thakur engaged as Asstt. Mechanic at MRM Project (Nepal) under the control of the Management. He had worked for about 7 years when he was retrenched by the management. Being aggrieved he approached the Hon'ble Supreme Court along with the other colleagues which ordered for reinstatement of the retrenched muster roll workman of MRM Project (Nepal) in India, vide judgement dated

27-4-84. In pursuance of the said judgement the workman was offered employment in the Office Suprintending Engineer, Delhi Central, Electrical Circle-VII, CPWD, New Delhi but he could not join due to serious illness of his wife and requested for extension of time for joining vide application dated 25-10-84 and he also subsequently requested and submitted Medical Certificate from the doctor in proof of the factum of serious illness of his wife. It is averred that in the meantime his sister-in-law (Bhabhi) expired and on that account he had to remain in village and thus he could not resume duty when he did not receive any response of his request for extension of joining time, he came to Delhi for reporting on duty to the office of S.E., DCEC-VII, CPWD and submitted all the Medical Certificatets alongwith application dated 16-5-86 but the same were not accepted by them and subsequently the workman addressed representation to the Chief Engineer (Food Zone), CPWD, New Delhi on 16th May, 1986 with all certificates and also met Director General of Works on 27-10-86 with a copy of the representation addressed to Chief Engineer (Food Zone). Thus he has been requesting the authorities to permit him to resume duty in CPWD but of no avail. His other colleagues who were retrenched alongwith him as had similar cases were however given extension of time whereas the Claimant has been discriminated against in the matter of extension of time. He was also discriminated in the matter of payment of wages as he was paid less wages whereas his counterparts were getting more time-scale and more salary. The decision of the management of CPWD in not allowing the workman to resume duty is arbitrary and discriminatory and amounts to wrongful and illegal termination of service and is violation of principle of natural justice. He claims for reinstatement with full back wages and continuity in service in the time scale of Asstt. Mechanic and any other order deem fit and proper.

3. The Management contested the claim of the workman by raising preliminary objections that there is no Industrial dispute between the parties as mention in Para 1 of reply. And that the claimant's application is highly belated and liable to be dismissed as he was asked to join duty within 15 days from the date of issue of order dated 12-10-84 but he came to join duty on 16-5-86. On merits it is stated that he had been posted in Nepal and performed work there. However in pursuance of Hon'ble Supreme Court's order he was offered job in Delhi as stated but the work has finished in Nepal it is denied that the workman was retrenched and ordered to be reinstated by Hon'ble Supreme Court as claimed. However it is stated that the Hon'ble Supreme Court of India has directed the management to take the workman on muster roll as a fresh entrant and the workman was offered the job of muster roll vide office Memo dated 12-10-1984. It is also denied that the workman made any application dated 25-10-84 for extension of time on the ground of serious illness of his wife Supported with Medical Certificate. In fact, no such application was received by any competent authority. The

Workman is not entitled to join the duty after expiry of the stipulated time. The workman is guilty of abandoning the job and is not entitled to relief claimed.

4. The Written Statement was followed by rejoinder wherein the workman reiterated the averments of his claim and denied the contents of the written statement of the management.

5. Management examined his witness Sh. D.L. Gulati in evidence and closed his evidence on 12-8-91. Thereafter workman moved an application for setting aside the order dated 12-8-91. The application of the workman dated 22-10-91 was allowed and management witness was allowed to be cross-examined MW1 vide order dated 23-2-93. Thereafter 2-3 adjournment were granted and on 14-9-93 Sh. P.C. Soni, Executive Engineer appeared on behalf of the management. Again neither the workman nor his rep. appeared on 14-9-93 and the statement of Sh. P.C. Soni, ex. Engineer was recorded as MW1 and the workman was proceeded Ex-Parte and thereafter the case was posted on 2-11-93 for arguments when the workman wanted to move an application for setting aside the Ex-Parte Order dated 14-9-93. Thereafter he sought some more adjournments and no application was filed and the case have been posted for filing of Written Arguments by the Parties and numerous opportunities were given for filing of Written Arguments. On 4-6-96 Management filed Written Arguments but workman sought adjournment as he wanted to move an application for setting aside the ex-parte order dated 14-9-93 and the case was adjourned to 6-8-96 for filing of application for setting-aside Ex. parte order. On 6-8-96 the application for setting aside the Ex-parte order dated 14-9-93 filed by workman representative. And the case was adjourned to 10-9-96 for filing of reply to the application by the management. Again the case was adjourned to 5-11-96 for filing of reply by the management. On 5-11-96 reply to the application filed by the management and the case was posted for arguments on the workman application. After some more adjournments arguments were heard on the application and the workman application was ultimately dismissed on 22-6-98 by my Ld. Predecessor and thereafter the case was fixed for arguments on numerous occasion. On 24-8-04 when the case was fixed for arguments Sh. B.K. Pd. A/R for workman and Sh. Balwant Singh Office Superintendent for management appeared and ultimately the arguments were heard.

6. I have heard both the A/R of the parties and perused the record meticulously. The perusal of the ordersheets shows that initially the management was allowed to adduce evidence and management examined MW1 /1 Sh. D.L. Gulati and its evidence closed on 12--8-91. Thereafter the workman moved an application which was in essence an application for setting aside the said Ex-Parte Order dated 12-8-91. The said application was for recalling the management witness for cross-examination. The application was allowed and then again after numerous adjournments the management witness Sh. P.C. soni was examined in the absence of workman. The workman was proceeded Ex-Parte again. and the management witness was recorded. thereafter workman was again heard on application which was also dismissed as mentioned above. Thus the workman has failed to show that he moved an application. it is admitted

case of both the parties that in pursuance of the Hon'ble Supreme Court's Order, the workman was offered job vide letter dated 12-10-84. in which he was asked to join the duty within 15 days but he failed to join his job as offered within the stipulated period. He claimed that he could not join due to prolong-illness of his wife which was followed by the death of Bhabhi (sister-in-law). But there is not *aniota* of evidence on record *nor* any document placed by the workman to show that his wife was suffering from a serious disease or his sister-in-law expired as claimed. He has failed to produce any Medical Certificate of the prolong illness of his wife and also failed to produce death certificate of his sister-in-law as claimed. There is no evidence to show that he want to join duty on 16-5-86 as claimed. It is obvious that the workman failed to join duty of job within the stipulated period of 15 days w.e.f. 12-10-84 he also failed to show that he sought extension and offered himself to join duty thereafter at any time on 16-5-86. The perusal of the record shows that the workman has been veru negligent in the prosecution of his case but also failed to prove that he sought extension for joining of his duties. In fact he failed to prove that his wife was suffering from the prolonged illness and his sister-in-law died as mentioned above. Even if it is resumed to be correct even then there is delay of more than 2 years, he was supposed to join duty on 27-10-84 within 15 days after expiry of time of validity of appointment contained in letter dated 12-10-84. I have no option but to conclude that the workman himself neglected to join the duty for more than 2 years. I could have condoned the delay if it has been for a few days but this delay of more than 2 years on the part of workman in joining duty in response to the offer is not only excessive but also reflects the conduct of workman indicating that his lack of interest in joining the duty and negligence. Law does not come to succour the negligent and slowness. In view of the facts and circumstances of the case, I am not inclined to condone the delay particularly when the workman has himself greatly neglected to join duty for more than 2 years and has also been negligent in the prosecution of his case and has failed to explain the delay. In my opinion the action of the management in not allowing the workman to join the duty, appears to be justified the reference is answered & accordingly the award is passed.

S. S. BAL, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2004

का.आ. 2549.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय पशु प्रजनन केन्द्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-2004 को प्राप्त हुआ था।

[सं० एल-42012/102/94-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th September, 2004

S.O. 2549.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award

of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Cattle Breeding Farm and their workman, which was received by the Central Government on 15-9-2004.

[No. L-42012/102/94-IR (DU)]

KULDIP RAI VERMA, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी. आई. टी. 54/95

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश
क्र. एल. 42012/102/94-आई. आर. (डी. यू.) दि. 4-8-95

श्री विजय कुमार यादव पुत्र श्री राम प्यारे लाल यादव केन्द्रीय पशु प्रजनन केन्द्र, सूरतगढ़, जिला श्रीगंगानगर जरिए श्री भारत भूषण आर्य, महामंत्री, बीकानेर डिवीजन ट्रेड यूनियन काउन्सिल, 1, खजान्ची बिल्डिंग, बीकानेर।

.....प्राथी

बनाम

संचालक, केन्द्रीय पशु प्रजनन केन्द्र, सूरतगढ़, जिला श्री गंगानगर।

.....अप्राथी

उपस्थित :

पीठासीन अधिकारी : श्री पी. एल. हिस्सारीया,
आर. एच. जे. एस.

प्राथी की ओर से : श्री भारत भूषण आर्य

अप्राथी की ओर से : कोई उपस्थित नहीं

दिनांक अर्वाई : 5-8-2004

अर्वाई

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न विवाद इस न्यायाधिकरण को अधिनिर्णयार्थ प्रेषित किया गया है :

“Whether the action of the management of CCBF Suratgarh (Raj.) in terminating the services of Shri Vijay Kumar Yadav, an alleged chowkidar a daily paid labour is legal, proper and justified ? If not, to what relief the workman is entitled to?”

2. उक्त रैफरेंस पर प्राथी ने अपना क्लेम पेश किया जिसके अनुसार उसकी नियुक्ति अप्राथी संस्थान में 15-1-87 को दैनिक वेतन पर चौकदार के पद पर हुई थी। उसने 19-10-87 तक 240 दिन से अधिक अवधि तक उक्त पद पर कार्य किया और 20-10-87 को अप्राथी संस्थान में प्राथी को बिना कारण बताये व बिना कोई नोटिस दिये जुबानी आदेश से विधि विरुद्ध तरीके से सेवा मुक्त कर दिया। उक्त सेवा मुक्ति के समय अप्राथी नियोजक ने धारा 25-एफ औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे अधिनियम लिखा जा रहा है) की पालना नहीं की। सेवा मुक्ति का कोई कारण नहीं बताया। कोई नोटिस नहीं दिया, नोटिस के बदले में कोई वेतन नहीं दिया, न किसी तरह की मुआवजा राशि का भुगतान किया। अप्राथी ने वरिष्ठता सूची का प्रकाशन नहीं किया, प्राथी की छंटनी के समय प्राथी से कनिष्ठ कर्मचारी कार्य

कर रहे थे और उसके बाद नये व्यक्तियों को नियुक्ति दी गई है, इसलिए प्राथी का सेवा मुक्ति आदेश अवैध है। उक्त आदेश को अवैध घोषित करते हुए उसे पुनः काम पर लेने तथा पूर्व का तमाम बकाया वेतन, भत्ता आदि लाभ दिलाये जाने की प्रार्थना की है।

3. अप्राथी की ओर से प्राथी के क्लेम का जवाब पेश किया गया है जिसमें अंकित किया गया है कि प्राथी ने सहायक श्रम आयुक्त के यहां कभी कोई बयान नहीं दिया, उसके प्रतिनिधि ने ही कार्यवाही में भाग लिया है जो न्यायसंगत नहीं है। प्रतिनिधि श्री भारत भूषण आर्य के पक्ष में कोई अधिकार पत्र प्राथी ने निष्पादित नहीं किया हुआ है और श्री भारत भूषण आर्य किस यूनियन के सदस्य हैं यह नहीं बताया गया है। बीकानेर ट्रेड यूनियन काउन्सिल को अप्राथी ने कोई मान्यता नहीं दी है। सहायक श्रम आयुक्त (केन्द्रीय) के समक्ष कोई विवाद नहीं उठाने के कारण सरकार यह रैफरेंस नहीं कर सकती, रैफरेंस गलत है, अप्राथी संस्थान भारत सरकार का संस्थान है जो कृषि मंत्रालय द्वारा संचालित होता है, यह संस्थान उद्योग की परिभाषा में नहीं आता जिसमें अधिनियम के प्रावधान लागू नहीं होते, इस कारण प्राथी का क्लेम खारिज किये जाने योग्य है।

4. गुणावगुण पर अप्राथी ने जवाब पेश किया है कि प्राथी विजय कुमार को अप्राथी के फार्म पर सीजनल दैनिक वेतन भोगी मजदूर के रूप में निश्चित अवधि के लिए अस्थाई रूप से लगाया गया था, किसी स्वीकृत पद पर नियुक्त नहीं किया गया, उसकी प्रथम नियुक्ति 15-1-87 को चौकीदार के पद पर होने का तथ्य गलत है, अप्राथी द्वारा कभी कोई नियुक्ति पत्र नहीं दिया गया और प्राथी ने अप्राथी के यहां लगातार कार्य नहीं किया और उसने किसी भी वर्ष में 240 दिन पूरे नहीं किये। अधिनियम के प्रावधान अप्राथी संस्थान पर लागू नहीं होते हैं, इसलिए प्राथी औद्योगिक कामगार नहीं था और धारा 25-एफ अधिनियम के अन्तर्गत लाभ दिया जाना आवश्यक नहीं था। प्राथी स्वयं ही स्वेच्छा से कार्य छोड़कर अन्य जगह कार्य करने लग जाता था, उसे 20-10-87 को अप्राथी द्वारा कभी नहीं हटाया गया बल्कि प्राथी स्वयं ही काम छोड़कर चला गया था। इसके अलावा प्राथी ने अप्राथी के निदेशक डॉ. रगरा के आवास पर हमला किया था जिसकी पुलिस में रिपोर्ट की गई थी, प्राथी का चाल-चलन व व्यवहार सही नहीं था और इसे चूंकि निश्चित अवधि के लिए विशिष्ट कार्य हेतु सीजनल तौर पर रखा गया था जिसके नियमित होने का दावा गलत है, अतः प्राथी का क्लेम खारिज किया जावे।

5. प्राथी की ओर से अपने क्लेम की पुष्टि में प्राथी विजय कुमार एवं साक्षी तरसेम सिंह के शपथ पत्र पेश हुए हैं तथा प्रदर्श डब्ल्यू-1 से डब्ल्यू-20 तक कुल 20 दस्तावेज पेश हुए हैं। अप्राथी के प्रतिनिधि बाद में उपस्थित नहीं हुए इसलिए उनका जिरह का अधिकार बंद कर दिया गया और उनके उपस्थित नहीं आने का कारण अप्राथी की साक्ष्य भी बंद कर दी गई। बहस की स्टेज पर कोई उपस्थित नहीं हुआ इसलिए उनके विरुद्ध एकपक्षीय कार्यवाही की जाएगी प्राथी के विद्वान प्रतिनिधि की एकपक्षी बहस सुनी गई। प्राथी के विद्वान प्रतिनिधि ने लिखित बहस भी पेश की है जिसका अवलोकन किया।

6. जहां तक अप्राथी संस्थान का उद्योग की परिभाषा में नहीं आने व उस पर अधिनियम के प्रावधान लागू नहीं होने का प्रश्न है, इस संबंध में अप्राथी ने किसी तरह की कोई साक्ष्य पेश नहीं की है। सहायक श्रम आयुक्त के यहां की कार्यवाही का इस विवाद से कोई संबंध नहीं है, विवाद केन्द्रीय सरकार ने प्रेषित किया है जो विवाद प्रस्तुत करने के लिए सक्षम है जिस पर प्राथी द्वारा क्लेम पेश किया गया है और जहां तक भारत भूषण आर्य के प्राथी के प्रतिनिधि होने का प्रश्न है, उसका अधिकार

पत्र पत्रावली पर मौजूद है। इसलिए अप्राथी द्वारा उठाई गई प्रारंभिक आपत्तियाँ अस्वीकार की जाती हैं।

7. प्राथी ने अपने शपथ पत्र में स्पष्ट तौर पर अंकित किया है कि अप्राथी ने उसे दैनिक वेतन पर 15-1-87 को चौकीदार के पद पर नियुक्त किया और उसने 19-10-87 तक उक्त पद पर कार्य किया। 20-10-87 को अप्राथी ने जुबानी आदेश से उससे काम लेने से मना कर दिया, इस तरह उसने वर्ष 1987 में 240 दिन का सेवा काल लगातार पुरा किया है। इस तथ्य की पुष्टि तरसेम सिंह के शपथ पत्र से भी होती है। इन साक्षियों से अप्राथी द्वारा जिरह नहीं की गई है और खण्डन में अपनी कोई साक्ष्य प्रस्तुत नहीं की गई है। उक्त तथ्य से यह भली-भाँति सिद्ध है कि प्राथी ने अप्राथी संस्थान में एक वर्ष में लगातार 240 दिन तक काम किया है, यह श्रमिक की परिभाषा में आता है और उसे 20-10-87 को बिना कोई नोटिस दिये, बिना किसी मुआवजा राशि, बिना नोटिस व नॉटिस के बदले वेतन दिये सेवा से हटाया गया है जो निश्चित तौर पर धारा 25-एफ अधिनियम का उल्लंघन है और प्राथी को धारा 25-एफ अधिनियम के प्रावधान के विपरीत सेवा से हटाया गया है जो विधि विरुद्ध है। अतः उसका मौखिक सेवा मुक्ति आदेश अपास्त किये जाने योग्य है।

8. उपरोक्त विवेचन के आधार पर प्रकरण में निम्न अवार्ड पारित किया जाता है।

“सी. सी. बी. एफ., सूरतगढ़ (राज.) के प्रबंधन द्वारा श्री विजय कुमार यादव, चौकीदार/दैनिक वेतन भोगी श्रमिक की सेवाएं समाप्त किये जाने की कार्यवाही उचित, वैध एवं न्यायसंगत नहीं है। प्राथी पुनः अपने पूर्व पद पर समस्त वेतन व अन्य लाभ सहित सेवा में बहाल होने का अधिकारी है।”

9. अवार्ड आज दिनांक 5-8-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

पी. एल. हिस्सारिया, न्यायाधीश

नई दिल्ली, 15 सितम्बर, 2004

का.आ. 2550.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. डी. ओ. (टेलीकॉम) के प्रबंधन के संयुक्त निर्णयों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-2004 को प्राप्त हुआ था।

[गं. एल-40012/173/92-आई आर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th September, 2004

S.O. 2550.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S. D. O. (Telecom) and their workman, which was received by the Central Government on 15-9-2004.

[No. L-40012/173/92-IR (DU)]

KULDIP RAI VERMA, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी. आई. टी. 19/93

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल-40012/173/92 आई. आर. (डी. यू.) दिनांक 7-12-93

श्री हर सहाय माफेत श्री अशोक शर्मा, 12/332, काला कुआं हाऊसिंग बोर्ड, जयपुर।

—प्राथी

बनाम

एस. डी. ओ. (टी) एवं टी. डी. ई., अलवर।

—अप्राथी

उपस्थित :

पीठासीन अधिकारी : श्री पी. एल. हिस्सारिया,
आर. एच. जे. एस.

प्राथी की ओर से : कोई उपस्थित नहीं

अप्राथी की ओर से : कोई उपस्थित नहीं

दिनांक अवार्ड : 19-7-2004

अवार्ड

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली ने अपनी उपरोक्त अधिसूचना के जरिये निम्न विवाद इस न्यायाधिकरण को अधिनिर्णयार्थ प्रेषित किया है :

“Whether the action of the SDO(T), Alwar and the T. D. E., Alwar in terminating the services of Sh. Har Sahai a muster roll worker finally w.e.f. 18-1-89 is justified, proper and legal, ? If not, to what relief is the workman entitled to?”

2. केन्द्र सरकार से रैफरेंस प्राप्त होने के पश्चात् दर्ज रजिस्टर किया गया और प्राथी को क्लेम पेश करने हेतु नोटिस जारी किया गया। श्री आर. सी. जैन प्रकरण में प्राथी की ओर से उपस्थित हुए और उन्होंने क्लेम पेश करने हेतु समय चाहा जो दिया जाता रहा। किन्तु प्रकरण में आज दिनांक तक कोई क्लेम पेश नहीं किया गया है, अब और अवसर दिया जाना उचित नहीं है। ऐसा प्रतीत होता है कि प्राथी इस विवाद में रुचि नहीं रखता है, और उसने अपने विवाद को क्लेम एवं साक्ष्य के जरिये न्यायाधिकरण के समक्ष साबित नहीं किया है। ऐसे में प्राथी इस रैफरेंस में इस अधिकरण द्वारा कोई राहत पाने का अधिकारी नहीं है और प्रकरण में निम्न प्रकार से अवार्ड पारित किया जाता है :

“प्राथी श्री हर सहाय, मस्टर रोल श्रमिक को दिनांक 18-1-89 को अंतिम तौर से अप्राथीगण द्वारा सेवा से पृथक करने की कार्यवाही उचित एवं वैध है। प्राथी कोई राहत पाने का अधिकारी नहीं है।”

3. अवार्ड आज दिनांक 19-7-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को नियमानुसार प्रकाशनार्थ भेजा जाए।

पी. एल. हिस्सारिया, न्यायाधीश

नई दिल्ली, 15 सितम्बर, 2004

उपस्थित

का. अ. 2551.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वैस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 71/90) को प्रकटित करती है, जो केन्द्रीय सरकार को 14-9-2004 को प्राप्त हुआ था।

[सं० एल-41012/33/90-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 15th September, 2004

S.O. 2551.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 71/90) of the Central Industrial Tribunal Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 14-9-2004.

[No. L-41012/33/90-IR (B-I)]

AJAY KUMAR, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 71/90

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल. 41012/33/90-आई. आर. (डी. यू.) दिनांक 26-10-96

श्री नौरतमल पुत्र श्री राम किशन, सफाईवाला द्वारा वेस्टर्न रेलवे कर्मचारी परिषद, अजमेर।

—प्रार्थी

बनाम

1. यूनियन ऑफ इण्डिया द्वारा जनरल मैनेजर, पश्चिम रेलवे चर्चगेट, बॉम्बे।
2. डॉ. चीफ वर्कशॉप मैनेजर (लोको) वैस्टर्न रेलवे, अजमेर।
3. डॉ. डिप्टी चीफ मैकेनिकल इंजीनियर (लोको) वैस्टर्न रेलवे अजमेर।

—अप्रार्थीगण

पीठासीन अधिकारी : पी०एल० हिस्सारीवा, आर०एच०जे०एस०

प्रार्थी की ओर से : श्री पी० डी० खन्ना

अप्रार्थी की ओर से : श्री तेज प्रकाश शर्मा

दिनांक अवाई : 28-5-2004

अवाई

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली ने अपनी उपरोक्त अधिसूचना के जरिये निम्न विवाद इस न्यायाधिकरण को अधिनिर्णयार्थ प्रेषित किया है :

“Whether the action of the management of Western Railway, Ajmer in removing Shri Nauratmal, Safaiwala from Service w.e.f. 20-3-85 is justified? If not, to what relief is the worker concerned entitled?”

2. प्रार्थी की ओर से स्टेटमेंट ऑफ क्लेम पेश किया गया है जिसमें यह बताया गया है कि नौरतमल जो कि अप्रार्थी के अजमेर कार्यालय में सफाईवाला के पद पर कार्यरत था, जनवरी 1984 में बीमार हो गया और अपने मूल निवास नसीराबाद चला गया और कार्यालय में उपस्थित नहीं हो सका। चूंकि नसीराबाद में रेलवे डिस्पेंसरी नहीं थी अतः उसने निजी डॉक्टर से इलाज करवाया और अपनी बीमारी की सूचना अपने सनिकट अधिकारी स्वास्थ्य निरीक्षक को भेजी। और वह 23-1-84 से 9-11-84 तक बीमार रहा और इलाज करवाया। निजी डाक्टर से स्वस्थ होने के बाद जो प्रमाण पत्र लिया उसके आधार पर रेलवे डाक्टर से उसने ड्यूटी मेडीकल प्रमाणपत्र बनवाया जिसके आधार पर प्रार्थी ने दिनांक 10-11-84 को ड्यूटी जोइन की और वह संतोष-जनक तरीके से काम कर रहा था। दिनांक 1-12-84 को उसे 23-1-84 से 9-11-84 तक को अनाधिकृत अनुपस्थित के लिए आरोप पत्र दिया गया जिसका 12-12-84 को उसने जवाब दे दिया, किन्तु अनुशासनिक अधिकारी ने जांच अधिकारी की नियुक्ति कर दी, जांच अधिकारी ने जांच के सिद्धान्तों की पालना नहीं की और जांच रिपोर्ट में अपना निष्कर्ष दे दिया, अनुशासनिक अधिकारी ने भी बिना अपना माइन्ड अप्लाइ किये तकनीकी तरीके से प्रार्थी श्रमिक को दिनांक 20-3-85 के आदेश द्वारा सेवा से पृथक् करने का कठोर दण्ड दिया। इस आदेश की प्रार्थी ने अपील एवं निगरानी की जिस पर कोई विचार नहीं किया जाकर खारिज कर दी गई तब केन्द्रीय श्रम विभाग में समझौते हेतु प्रार्थना पत्र यूनियन के माध्यम से दिया जो वार्ता भी असफल हो जाने पर केन्द्र सरकार ने वह रैफरेंस इस न्यायाधिकरण को प्रस्तुत किया।

3. प्रार्थी ने अपने सेवा मुक्ति आदेश दिनांक 20-3-85 को इस आधार पर चुनौती दी है कि उसे अपने बचाव के लिए पर्याप्त समय नहीं दिया अभियोजन पक्ष के बयान नहीं लिये केवल प्रार्थी के बयान लेकर ही जांच रिपोर्ट प्रस्तुत कर दी, सेवा पृथक्करण आदेश ऑसिसर्टेड वर्क्स मैनेजर (लोको) अजमेर द्वारा जारी किया गया है जो कि सक्षम अधिकारी

नहीं हैं, निजी डॉक्टर के प्रमाण पत्र के आधार पर रेलवे डॉक्टर ने जो प्रमाण पत्र चिकित्सा का दिया उसे क्यों नहीं स्वीकार किया गया, इसका कोई कारण नहीं बताया गया जबकि नसीराबाद में कोई रेलवे डिसपेंसरी है ही नहीं। अतः प्रार्थी को सेवा पृथक्करण आदेश व अपील एवं निगरानी के आदेश 4-7-85 अनुचित व शून्य होने के कारण अपास्त किये जावें व प्रार्थी को पुनः सेवा में लिये जाने का अवार्ड पारित किया जावे।

4. अप्रार्थीगण ने क्लेम का जवाब पेश किया है जिसमें क्लेम के तथ्यों को अस्वीकार करते हुए कहा है कि प्रार्थी ने अपनी बीमारी की कोई सूचना नहीं भेजी। यह सही है कि उसने 10-11-84 को ड्यूटी जोइन की किन्तु उसका कार्य संतोषजनक नहीं था जांच अधिकारी के समक्ष प्रार्थी ने अपना आरोप स्वीकार कर लिया था, अतः इसी आधार पर जांच अधिकारी ने अपना निष्कर्ष देते हुए जांच रिपोर्ट पेश की, जांच के दौरान प्रार्थी अथवा उसके प्रतिनिधि ने दस्तावेजात के निरीक्षण हेतु कोई प्रार्थना नहीं की चतुर्थ श्रेणी कर्मचारी के लिए एसिस्टेंट वर्क्स मनेजर सक्षम अधिकारी है, जांच प्रतिवेदन के निष्कर्ष के आधार पर सक्षम अनुशासनिक अधिकारी ने सकारण जो सेवा पृथक्करण आदेश पारित किया है वह विधिक है और श्रमिक को इसकी सूचना दे दी गई थी अतः संविधान के अनुच्छेद 14 व 16 का कोई उल्लंघन नहीं हुआ है अतः क्लेम खारिज किया जावे।

5. प्रार्थी नौरतमल ने क्लेम की पुष्टि में अपना स्वयं का स्पष्ट पत्र पेश किया है जिससे विपक्षी के विद्वान प्रतिनिधि ने जिरह की है। अप्रार्थी ने कोई साक्ष्य प्रस्तुत नहीं करनी चाहि, अतः बहस सुनी गई, पत्रावली का अवलोकन किया गया।

6. प्रार्थी के विद्वान प्रतिनिधि का तर्क है कि प्रार्थी दिनांक 23-1-84 से बीमार हो गया और अपने पैंत्रिक स्थान नसीराबाद चला गया जहां रेलवे डिसपेंसरी नहीं थी अतः निजी डॉक्टर से इलाज करवाता रहा जिसकी सूचना उसने अप्रार्थी नियोजक स्वास्थ्य निरीक्षक जो उसके सनिकट अधिकारी थे, को भिजवा दी। उसने दिनांक 10-11-84 को ड्यूटी जोइन की और 1-12-84 को उसे अनाधिकृत अनुपस्थिति के संबंध में आरोप पत्र दिया गया जिसका जवाब उसने दे दिया किन्तु फिर भी जांच अधिकारी नियुक्त कर जांच करावाई गई। जांच में केवल मात्र उसके बयान लिये गये अभियोजन पक्ष के गवाह नहीं हुए और जांच अधिकारी ने प्रार्थी के बयान के आधार पर ही आरोप सिद्ध मानते हुए जांच प्रतिवेदन प्रस्तुत कर दिया जो प्राकृतिक न्याय सिद्धान्तों के विपरीत होने से उसके आधार पर अनुशासनिक अधिकारी ने जो बिना माइन्ड अप्लाई किये सेवा पृथक्करण आदेश श्रमिक के खिलाफ दिनांक 20-3-85 को जारी किया, यह भी अनुचित व अवैध है जिसे अपास्त किया जाकर प्रार्थी को समस्त लाभ सहित सेवा में पुनः बहाल किया जावे। विद्वान प्रतिनिधि का यह भी तर्क है कि उसकी अपील व निगरानी पर भी बिना सुनवाई के आदेश पारित कर दिया गया जो अनुचित है।

7. प्रार्थी का यह भी तर्क है कि प्रार्थी ने निजी अस्पताल में इलाज करवाया था जिसके प्रमाण पत्र के आधार पर रेलवे डॉक्टर ने चिकित्सा प्रमाण पत्र जारी कर दिया किन्तु उसे कन्सीडर नहीं किया

गया। प्रार्थी को नियमों की जानकारी भी नहीं थी अतः उसने निजी अस्पताल से इलाज करवाया जिन प्रमाण पत्रों पर गौर नहीं करके अप्रार्थी ने त्रुटि की है। अपने तर्क के समर्थन में विद्वान प्रतिनिधि ने निम्न प्रोद्घरण प्रस्तुत किये हैं:

1. मानसिंह बनाम यूनियन ऑफ इण्डिया, 2003 (एस. सी.) एस. एल. आर. 579

2. बाबू लाल बनाम यूनियन ऑफ इण्डिया, 2000 (1) आर. एल. आर. 631 (राज०)

3. राधेश्याम बनाम स्टेट ऑफ राजस्थान, 2001 (4) डब्ल्यू. एल. एन. 472 (राज०)

8. इसके विपरीत अप्रार्थी के विद्वान प्रतिनिधि का तर्क है कि रेलवे के जो नियम बने हुए हैं, उनके अन्तर्गत किसी भी रेलवे कर्मचारी के बीमार होने पर चिकित्सा के आधार पर अवकाश केवल रेलवे डॉक्टर के प्रमाण पत्र पर स्वीकार किया जाता है। प्रार्थी ने अपनी बीमारी की कोई सूचना अप्रार्थी को नहीं भिजवाई। जो प्रमाण पत्र चिकित्सा का पेश किया गया है वह निजी डॉक्टर द्वारा दिये गये प्रमाण पत्र के आधार पर दिया गया है जिस पर विचार नहीं किया जा सकता। जांच अधिकारी ने प्रार्थी के बयान लिये और प्रार्थी ने स्वयं माना कि वह दिनांक 23-1-84 से 9-11-84 अनुपस्थित रहा है वह इस दरमियान बीमार था और निजी डॉक्टर से इलाज करवाया, जब ठीक हुआ तो रेलवे डॉक्टर के पास गया उसने एस. आर. 3/4 का ड्यूटी प्रमाण पत्र बना दिया, इस बार उससे गलती हो गयी है। जब प्रार्थी ने अपना आरोप स्वीकार कर लिया था तो अभियोजन पक्ष के गवाही की आवश्यकता ही नहीं थी और आरोप की स्वीकारोक्ति पर ही जांच प्रतिवेदन तैयार कर जांच अधिकारी ने आरोप सिद्ध मानते हुए रिपोर्ट प्रस्तुत की जो सही है।

9. जब लम्बे समय तक अनुपस्थित रहने के कारण विधि के अनुसार यह उपधारण ली जानी चाहिये होती है कि प्रार्थी ने स्वेच्छा से सेवा का परित्याग कर दिया इसलिए इसमें सेवा से हटाये जाने के तथ्य को दण्ड नहीं कहा जा सकता, फिर भी जांच कार्यवाही करके नियमानुसार प्रार्थी को सेवा से हटाया गया है और उस आदेश में कहीं कोई त्रुटि नहीं है।

10. मैंने दोनों पक्षों के तर्कों पर गंभीरता से विचार किया एवं पत्रावली का ध्यानपूर्वक अवलोकन किया।

11. जहां तक जांच कार्यवाही का प्रश्न है, इसमें किसी प्रकार की कोई अनियमितता नहीं है। प्रार्थी स्वीकार करता है कि वह दिनांक 23-1-84 से 9-11-84 तक अनुपस्थित रहा है परन्तु वह बीमार हो गया था, इस कारण अनुपस्थित रहा और प्राईवेट चिकित्सालय से इलाज करवाया तथा अनुपस्थिति की सूचना 23-1-84 को ही उसने नियोजक को भेज दी थी। अभिलेख पर ऐसा कोई दस्तावेज नहीं है जिससे यह प्रकट होता हो कि अनुपस्थिति की सूचना प्रार्थी ने अपने नियोजक को विधिवत् भिजवाई हो। नियमों की जानकारी नहीं होने का जो तर्क दिया गया है वह विधि के

अनुसार मानने योग्य नहीं है। प्रार्थी की नियुक्ति 1979 में सफाईवाला के पद पर हुई थी और तब से वह अजमेर में कार्यरत था, इस अवधि में उसे यह जानकारी नहीं हुई हो कि बीमारी के लिए छुट्टी की अवस्था में रेलवे चिकित्सा अधिकारी का प्रमाण-पत्र आवश्यक है, मानने योग्य नहीं है। जो चिकित्सा प्रमाण-पत्र पेश किया गया है वह निजी चिकित्सा प्रमाण-पत्र के आधार पर रेलवे डाक्टर ने जारी किया है वह आरोप प्रमाण-पत्र नहीं होकर मात्र एक ये फिटनेस का प्रमाण पत्र है जिसे मानने के लिए अप्रार्थी बाध्य नहीं है। ऐसी सूरत में स्वेच्छा से अनुपस्थिति का आरोप उसके विरुद्ध अभिलेख से भलीभांति साबित होता है, जांच अधिकारी एवं प्राधिकृत अनुशासनिक अधिकारी ने किसी प्रकार की कोई अवैधता या अनियमितता की हो, ऐसा प्रतीत नहीं होता। वैसे भी लंबी अवधि तक बिना सूचना के सेवा में नहीं आने पर यह उपधारण करने का पर्याप्त कारण है कि प्रार्थी ने स्वेच्छा से अपनी सेवा का परित्याग किया है और ऐसे में दण्ड तत्व शामिल नहीं है जैसा कि आनन्द भारती व अन्य बनाम स्टेट ऑफ राजस्थान आर. एल. आर. 2002 (1) 319 में माननीय राजस्थान उच्च न्यायालय ने यह प्रतिपादित किया है कि :

"Absence from duty without leave for a long period—presumption as to voluntary abandonment of service—in such cases no element of punishment is involved which may require adherence to principles of natural justice."

12. प्रार्थी के विद्वान प्रतिनिधि ने जो प्रोद्धारण प्रस्तुत किया है उनमें अनुपस्थिति अवधि का बिना वेतन के अवकाश स्वीकार कर सेवा का निवृत्तिकरण कर दिया गया था, इस कारण सेवा मुक्ति के आदेश को गलत माना है, जब कि प्रस्तुत प्रकरण में ऐसा नहीं है। अनुपस्थिति के बाद आरोप-पत्र देकर और आरोप सिद्ध जांच में होने के पश्चात् ही उसे सेवा पृथक् किया गया है। दूसरा प्रोद्धारण बाबू लाल बनाम यूनियन ऑफ इण्डिया का है, वे अनिवार्य सेवा निवृत्ति की बावत है जिसमें प्रतिपादित सिद्धान्त से भी माननीय राजस्थान उच्च न्यायालय के आनन्द भारती वाले सिद्धान्त के कारण प्रार्थी को कोई लाभ नहीं पहुंचता। अन्य प्रोद्धारणों के तथ्य भी भिन्न हैं, जिनमें प्रतिपादित सिद्धान्तों से प्रार्थी को कोई लाभ नहीं पहुंचता।

13. धारा 11-ए अधिनियम के अन्तर्गत इस अधिकरण को सेवा से निकाले जाने के आदेश की औचित्यता को देखने का पूर्ण अधिकार है और यदि ऐसा आदेश अनुचित हो तभी उस आदेश को अपास्त किया जा सका है या परिस्थितिवश दण्ड को कम किया जा सकता है। धारा 11-ए अधिनियम के अन्तर्गत न्यायाधिकरण को केवल मात्र जांच में जांच अधिकारी के समक्ष आई सामग्री पर ही विचार करना होता है कोई नई साक्ष्य लिये जाने का प्रावधान धारा 11-ए में नहीं है। प्रस्तुत मामले में जांच में कोई अनियमितता नहीं पाई गई है और सेवा से हटाये जाने का आदेश जो कि लंबी अवधि की अनुपस्थिति के कारण पारित किया गया है, वह पूर्णतया उचित है, अतः धारा 11-ए के अन्तर्गत भी कोई राहत श्रमिक को नहीं दी जा सकती।

14. उपरोक्त विवेचन के आधार पर प्रकरण में निम्न अवार्ड पारित किया जाता है:

"पश्चिम रेलवे के प्रबन्धतंत्र, अजमेर द्वारा उनके श्रमिक श्री नौरतमल, सफाईवाला की सेवाएं दिनांक 20-3-85 से समाप्त किया जाना उचित एवं वैध है, प्रार्थी श्रमिक कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।"

15. अवार्ड आज दिनांक 28-5-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

पी. एल. हिस्सारिया, पीठासीन अधिकारी

नई दिल्ली, 15 सितम्बर, 2004

का. आ. 2552.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या आई. डी. नं. 54/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-2004 को प्राप्त हुआ था।

[सं० एल-41012/89/89-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 15th September, 2004

S.O. 2552.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID. No. 54/90) of the Central Industrial Tribunal, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 14-9-2004.

[No. L-41012/89/89-IR (B-1)]

AJAY KUMAR, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 54/90

रेफरेंस: केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल-41012/89/89-आई. आर. (डी.-2) (v) दिनांक 13-8-90

श्री अशरफी लाल पुत्र श्री रूप सिंह द्वारा अध्यक्ष, पश्चिम रेलवे कर्मचारी परिषद्, के-38, कृष्णागंज, अजमेर।

—प्रार्थी

बनाम

1. यूनिन ऑफ इण्डिया द्वारा जनरल मैनेजर, पश्चिम रेलवे चर्चगेट, बॉम्बे।
2. चीफ वर्कशॉप मैनेजर (लोको) पश्चिम रेलवे, अजमेर।
3. दो डिप्टी चीफ मैकेनिकल इंजीनियर (लोको) पश्चिम रेलवे अजमेर।

—अप्रार्थी

उपस्थित

पीठासीन अधिकारी : पी.एल. हिस्सारिया, आर.एच.जे.एस.

प्रार्थी की ओर से : श्री पी. डी. खन्ना

अप्रार्थी की ओर से : श्री तेज प्रकाश शर्मा

दिनांक अवाई : 28-5-2004

अवाई

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने उपरोक्त आदेश के जरिये निम्न विवाद इस न्यायाधिकरण को वास्ते अधिनिर्णय प्रेषित किया है :

“Whether the action of the management of Western Railway, Administration, Ajmer in removing Shri Asherfi Lal, Power Hammer Operater, Smith Shop of Loco workshop, Western Railway, Ajmer w.e.f. 5-5-86 (AM) is justified? If not, to what relief is the workman concerned entitled?”

2. प्रार्थी यूनिन की ओर से स्टेटमेंट ऑफ क्लेम पेश किया गया है जिसमें यह बताया गया है कि अशरफी लाल जो अप्रार्थी के अजमेर कार्यालय में कार्यरत था, दिनांक 8-3-85 को बीमार हो जाने के कारण कार्यालय में उपस्थित नहीं हो सका। इसके लिए उसने 8-3-85 की सूचना अप्रार्थी के कार्यालय में भिजवाई थी और वह लम्बे समय तक बीमार रहने के कारण कार्यालय में उपस्थित नहीं हो सका। जिस पर अप्रार्थी ने दिनांक 6-1-86 को प्रार्थी को उसकी अनाधिकृत अनुपस्थिति के कारण आरोप-पत्र दिया परन्तु प्रार्थी अपनी बीमारी के कारण तथा समय कम दिये जाने के कारण उसका कोई जवाब नहीं दे सका। जिस पर जांच अधिकारी नियुक्त कर दिया गया, जांच अधिकारी ने भी 2-4-86 की तिथि नियत की थी परन्तु उस दिन सार्वजनिक अवकाश हो जाने के कारण 11-4-86 की तिथि जांच हेतु रखी गई जो समय अत्यधिक कम होने से प्रार्थी जांच अधिकारी के समक्ष उपस्थित नहीं हो सका और जांच अधिकारी ने एक पक्षीय कार्यवाही कर विभाग के साक्षियों के बयान प्रार्थी की अनुपस्थिति में लेकर 17-4-86 को अपनी रिपोर्ट प्रस्तुत कर दी जिस पर 5-5-86

को अनुशासनिक अधिकारी ने विचार कर प्रार्थी को जान बूझकर स्वेच्छा से अनुपस्थित रहने के आरोप को सिद्ध मानते हुए सेवा से पृथक कर दिया। प्रार्थी ने इस आदेश की अपील एवं निगरानी की जिस पर कोई विचार नहीं किया जाकर खारिज कर दी गई तब केन्द्रीय श्रम विभाग में समझौते हेतु प्रार्थना-पत्र यूनिन के माध्यम से दिया तो वार्ता भी असफल हो जाने के कारण केन्द्रीय सरकार के द्वारा यह रैफरेंस इस न्यायाधिकरण में प्रस्तुत किया गया है।

3. प्रार्थी ने उसके सेवा पृथक्करण आदेश दिनांक 5-5-86 को इस आधार पर चुनौती दी है कि उसे अपने बचाव के लिए पर्याप्त समय नहीं दिया गया, वह बचाव प्रतिनिधि नियुक्त नहीं कर सका, वह वास्तव में बीमार था इसलिए जांच अधिकारी के समक्ष उपस्थित नहीं हो सका और उसकी कोई सूचना भी जांच अधिकारी को नहीं दे सका। उसकी अपील व रिवीजन पर भी कोई विचार नहीं किया गया और बिना विचारे निर्णय दिया गया है। प्रार्थी 8-3-85 से लगातार बीमारी के कारण अनुपस्थित रहा और 5-5-86 को जांच के पश्चात् सेवा से निष्कासित करने के बाद 10-5-86 को उसने ड्यूटी पर उपस्थित होने हेतु रेलवे अस्पताल का फिटनेस प्रमाण-पत्र देने का प्रार्थना-पत्र दिया, तत्पश्चात् उसे सेवा में नहीं लिया गया, उसे सुनवाई का अवसर नहीं दिया गया। उसने प्राईवेट चिकित्सालय का प्रमाण-पत्र भी पेश किया जिसपर कोई विचार नहीं किया गया, इस कारण प्रार्थी का सेवा पृथक्करण आदेश दिनांक 5-5-86 व अपील तथा निगरानी के आदेश दिनांक 17-6-89 व 14-3-90 अपास्त किये जावें और प्रार्थी को सेवा में पुनः लिये जाने का व समस्त लाभ दिलाये जाने का अवाई पारित किया जावे।

4. अप्रार्थीगण ने क्लेम का जवाब पेश किया है, जिसमें क्लेम के तथ्यों को इन्कार करते हुए कहा है कि जांच अधिकारी का निष्कर्ष एवं अनुशासनिक अधिकारी का आदेश दोनों ही नियमानुसार हैं अतः उचित व वैध हैं उन्हें चुनौती नहीं दी जा सकती।

5. प्रार्थी अशरफी लाल ने अपना शपथ-पत्र पेश किया जिसपर उससे जिरह भी की गई है। उसके पश्चात् अशरफी लाल की मृत्यु हो गई, तब उसके पश्चात् अशरफी लाल के विधिक प्रतिनिधि उसकी पत्नी श्रीमती लीला बाई तथा उसके पुत्र रोहिताश चन्द्र, यतीश कुमार व दो पुत्रियां ललिता व चन्द्रकला जो अवयस्क हैं, को उनकी प्राकृतिक संरक्षक माता के जरिये प्रार्थना-पत्र देने पर विधिक प्रतिनिधि के रूप में रिकार्ड पर लिया गया।

6. इसके पश्चात् मैंने दोनों पक्षों की बहस सुनी, पत्रावली का अवलोकन किया।

7. प्रार्थी के विद्वान प्रतिनिधि का तर्क है कि प्रार्थी 8-3-85 को बीमार पड़ गया और वह निजी डॉक्टर से इलाज करवाता रहा, 8-3-85 को ही उसने अपने बीमार होने की सूचना अपने नियोजक अप्रार्थी दे दी थी, ठीक होने के पश्चात् जब वह 10-5-86 को कार्यालय में उपस्थित हुआ तो उसको जॉइन नहीं करने दिया, इससे पूर्व उसे आरोप-पत्र दिया गया और उसके पश्चात् अनुपस्थिति के आरोप में जांच कर आदेश

बिनांक 5-5-86 के द्वारा उसे सेवा से पृथक कर दिया गया जिसमें उसे कोई सुनवाई का अवसर नहीं दिया गया। उसकी अपील व निगरानी पर भी बिना सुनवाई के आदेश पारित कर दिया गया। अतः उसका सेवा पृथक्करण आदेश विधिविरुद्ध है। चूंकि प्रार्थी श्रमिक की मृत्यु हो चुकी है, इसलिए उसे पुनः नियोजित नहीं किया जा सका, परन्तु प्रार्थी के विधिक प्रतिनिधियों को प्रार्थी की मृत्यु के दिन तक का पिछला वेतन ग्रेजुएट व अन्य सभी लाभ दिलावाये जायें।

8. प्रार्थी के विद्वान प्रतिनिधि ने यह भी तर्क दिया है कि प्रार्थी ने वैद्य के यहां इलाज करवाया था जिसके प्रमाण पत्र पेश किये हैं, रेलवे नियमों के अधीन रेलवे अस्पताल के डाक्टर का प्रमाण पत्र होना चाहिये इसकी जानकारी नहीं होने के कारण जिस वैद्य से इलाज करवाया उसी का प्रमाण पत्र पेश किया है जिसपर अप्रार्थी ने कोई गौर नहीं करके नुटि की है। अपने तर्क के समर्थन में विद्वान प्रतिनिधि ने निम्न प्रोद्घरण प्रस्तुत किये हैं :

1. मानसिंह बनाम यूनियन ऑफ इण्डिया, 2003 (एस. सी.) एस. एल. आर. 579
2. बाबू लाल बनाम यूनियन ऑफ इण्डिया, 2000 (1) आर. एल. आर. 631 (राज.)
3. राधेश्याम बनाम स्टेट ऑफ राजस्थान, 2001 (4) डब्ल्यू. एल. एन. 472 (राज.)

9. इसके विपरीत अप्रार्थी के विद्वान प्रतिनिधि का तर्क है कि रेलवे के जो नियम बने हुए हैं, उनके अन्तर्गत किसी भी रेलवे कर्मचारी के बीमार होने पर चिकित्सा के आधार पर अवकाश केवल रेलवे डाक्टर के प्रमाण पत्र पर स्वीकार किया जाता है। प्रार्थी ने किसी वैद्य का प्रमाण पत्र पेश किया है वह प्रमाण पत्र भी मई 1986 का है। 8-3-85 को उसने किसी प्रकार का कोई प्रमाण पत्र कार्यालय में अपनी अनुपस्थिति की सूचना बाबत नहीं दिया। अपने क्लेम के साथ जो प्रार्थना पत्र की प्रति अनेक्सचर ए-31 पेश की है। यह प्रार्थना पत्र कभी भी अप्रार्थी के कार्यालय में नहीं दिया गया, उसे समय-समय पर सूचना दी गई जिसका भी कोई जवाब उसने नहीं दिया। आरोप पत्र दिया उसका भी कोई जवाब नहीं दिया, जांच अधिकारी नियुक्त किया गया जिसने विधिवत जांच की, प्रार्थी को नोटिस दिया, परन्तु प्रार्थी ने जांच कार्यवाही में भाग नहीं लिया और एकपक्षीय जांच में साक्ष्य के आधार पर स्वेच्छा से अनुपस्थिति का आरोप प्रमाणित पाये जाने पर जांच रिपोर्ट प्रस्तुत की गई। जांच रिपोर्ट पर पूर्ण रूप से विचार किये जाने के पश्चात् अनुशासनिक प्राधिकारी ने 5-5-86 को प्रार्थी को रेलवे सेवा से पृथक किये जाने का आदेश पारित किया। तब तक प्रार्थी ने किसी तरह का कोई प्रार्थना पत्र कोई सूचना, कोई डाक्टरों प्रमाण पत्र अनुशासनिक अधिकारी के समक्ष पेश नहीं किया। सेवा से हटाये जाने के पश्चात् प्रार्थी को जोड़न कराये जाने का कोई प्रश्न ही नहीं उठता और लम्बे समय तक यानि 8-3-85 से सेवा से हटाये जाने के दिन तक अनुपस्थित रहने के कारण विधि के अनुसार यह उपधारणा ली जानी चाहिये होती है कि प्रार्थी ने स्वेच्छा से सेवा का परित्याग कर

दिया इसलिए इसमें से सेवा से हटाये जाने के तत्त्व को दण्ड नहीं कहा जा सकता, फिर भी जांच कार्यवाही करके नियमानुसार प्रार्थी को सेवा से हटाया है और उस आदेश में कहीं कोई त्रुटि नहीं है, अतः प्रार्थी का क्लेम खारिज किया जावे।

10. मैंने दोनों पक्षों के तर्कों पर गंभीरता से विचार किया एवं पत्रावली का ध्यानपूर्वक अवलोकन किया।

11. जहां तक जांच कार्यवाही का प्रश्न है, इसमें किसी प्रकार की कोई अनियमितता नहीं है। प्रार्थी स्वीकार करता है कि वह दिनांक 8-3-85 से अनुपस्थित रहा है परन्तु वह बीमार हो गया था, इस कारण अनुपस्थित रहा और प्राइवेट चिकित्सक से इलाज करवाया तथा अनुपस्थिति की सूचना 8-3-85 को डाक द्वारा अप्रार्थी को भिजवाई थी। अभिलेख पर ऐसा कोई दस्तावेज नहीं है जिससे यह प्रकट होता हो कि अनुपस्थिति की सूचना डाक द्वारा प्रार्थी ने अपने नियोजक को विधिवत भिजवा दी हो। नियमों की जानकारी नहीं होने का जो तर्क दिया गया है वह विधि के अनुसार मानने योग्य नहीं है। प्रार्थी की नियुक्ति 14-11-58 को हुई है जो 1-8-78 से पावरहैंडर पैन के पद पर अजमेर में कार्यरत था और इस अवधि में उसे यह जानकारी नहीं हुई हो कि बीमारी के लिए छुट्टी की अवस्था में रेलवे चिकित्सा का प्रमाण पत्र आवश्यक है, मानने योग्य नहीं है। प्राइवेट चिकित्सक का जो प्रमाण पत्र पेश हुआ है वह मई 1986 का है, जो उसे सेवा से हटाये जाने के बाद का है। इसलिए यह नहीं कहा जा सकता कि उसने प्राइवेट चिकित्सक का कोई प्रमाण पत्र अपने प्रार्थना पत्र के साथ अपने नियोजक को दिया हो ऐसी सूरत में स्वेच्छा से अनुपस्थिति का आरोप उसके विरुद्ध अभिलेख से भलीभांति साबित है, जांच अधिकारी अथवा अनुशासनिक प्राधिकारी ने किसी प्रकार की कोई अवैधता या अनियमितता नहीं की है। जैसे भी लंबी अवधि तक बिना सूचना के सेवा में नहीं आने पर यह उपधारण करने का पर्याप्त कारण है कि प्रार्थी ने स्वेच्छा से अपनी सेवा का परित्याग किया है और ऐसे में दण्ड तत्त्व शामिल नहीं है जैसा कि आनन्द भारती व अन्य बनाम स्टेट ऑफ राजस्थान आर. एल. आर. 2002 (1) पेज 310 में माननीय राजस्थान उच्च न्यायालय ने यह प्रतिपादित किया है कि :

“Absence from duty without leave for a long period—presumption as to voluntary abandonment of service—in such cases no element of punishment is involved which may require adherence to principles of natural justice.”

12. प्रार्थी के प्रतिनिधि ने जो प्रोद्घरण प्रस्तुत किया है उनमें अनुपस्थिति अवधि का बिना वेतन के अवकाश स्वीकार कर सेवा का नियमितकरण कर दिया गया था, इस कारण सेवा मुक्ति के आदेश को गलत माना है, इस प्रकार में ऐसा कहीं नहीं है अनुपस्थिति के दौरान ही उसे सेवा से हटाया गया है दूसरे प्रोद्घरण बाबू लाल बनाम यूनियन ऑफ इण्डिया का है वे अनिवार्य सेवा विधि की बाबत हैं जिसमें प्रतिपादित सिद्धान्त से भी माननीय राजस्थान उच्च न्यायालय के आनन्द भारती व अन्य सिद्धान्त के कारण प्रार्थी को लाभ नहीं पहुंचता। अन्य प्रोद्घरणों के तथ्य

भी भिन्न हैं, जिनमें प्रतिपादित सिद्धान्तों से प्रार्थी को कोई लाभ नहीं पहुंचता।

13. धारा 11-ए औद्योगिक विवाद अधिनियम के अन्तर्गत इस अधिकरण को किसी व्यक्ति को सेवा से निकाले जाने के आदेश की औचित्यता को जांचने का पूर्ण अधिकार है और यदि ऐसा आदेश अनुचित हो तभी उस आदेश को अपास्त किया जा सकता है या परिस्थितिवश दण्ड को कम किया जा सकता है। परन्तु इस मामले में अनुचितता नहीं पाई गई है और सेवा से हटाये जाने का आदेश जो कि लंबी अवधि की अनुपस्थिति के कारण दिया गया है, जिसे पूर्णतया उचित माना गया है, अतः धारा 11-ए के अन्तर्गत भी कोई राहत नहीं दी जा सकती।

14. उपरोक्त विवेचन के आधार पर प्रकरण में निम्न अवार्ड पारित किया जाता है:

“पश्चिम रेलवे प्रशासन अजमेर द्वारा श्री अशरफ़ी लाल पावर हैमर ऑपरेटर को दिनांक 5-5-86 से रेलवे सेवा से पृथक् किया जाना उचित एवं वैध है। मृतक प्रार्थी के विधिक प्रतिनिधि किसी प्रकार का अनुतोष प्राप्त करने का अधिकारी नहीं है।”

15. अवार्ड आज दिनांक 28-5-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया।

16. अवार्ड की प्रति केन्द्र सरकार को औद्योगिक विवाद अधिनियम, 1947 की धारा 17(1) के अन्तर्गत प्रकाशनार्थ भिजवाई जाये।

पी. एल. हिस्सारिया, पीआसीन अधिकारी

नई दिल्ली, 16 सितम्बर, 2004

का. आ. 2553.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अजमेर के पंचाट (संदर्भ संख्या 6/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-2004 को प्राप्त हुआ था।

[सं० एल-12011/193/99-आई.आर.(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 16th September, 2004

S.O. 2553.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 6/2001) of the Industrial Tribunal Ajmer as shown in the Annexure in the Industrial Dispute between the management of

Bank of Baroda, Regional Office and their workman, which was received by the Central Government on 15-9-2004.

[No. L-12011/193/99-IR (B-II)]

C. GANGADHARAN, Under Secy.

अनुबन्ध

न्यायालय श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण,
अजमेर

सी.आई.टी. आर. 6/01

रैफरेंस नम्बर एल- 12011/193/99-आई. आर. (बी. 2) दिनांक
25-5-00

सहायक महासचिव, बैंक आफ बड़ौदा स्टाफ यूनियन
राजस्थान जरिये बैंक आफ बड़ौदा, वैशालीनगर अजमेर
(श्रमिक डी. सी. पाटनी)

—प्रार्थी यूनियन

बनाम

1. बैंक आफ बड़ौदा, जरिये क्षेत्रीय प्रबंधक, बैंक आफ बड़ौदा,
रेलवे केम्पस स्टेशन रोड, अजमेर

—अप्रार्थी

समक्ष श्री गंगासिंह शेखावत आर एच जे एस

प्रार्थी की ओर से : श्री डी. सी. पाटनी व अधिवक्ता श्री
शेखर सैन

अप्रार्थी की ओर से : श्री वी. डी. भार्गव अधिवक्ता

दि. : 27-7-2004

अवार्ड

प्रार्थी की ओर से एक आवेदन पत्र लोक अदालत की भावना से प्रेरित होकर इस आशय का पेश किया गया है कि जिस शाखा प्रबंधक के गलत आदेश के तहत बाद उत्पन्न हुआ था उस शाखा प्रबंधक ने बैंक से स्वेच्छिक सेवा निवृत्ति ले ली है अतः प्रार्थी उक्त वाद को अब नहीं चलाना चाहता है।

मैंने अभय पक्ष को सुना व पत्रावली का ध्यानपूर्वक अवलोकन किया।

प्रार्थी की प्रार्थना को मध्य नजर रखते हुए इस विवाद में “कोई विवाद नहीं अवार्ड” पारित किया जाता है।

गंगा सिंह शेखावत, न्यायाधीश

नई दिल्ली, 17 सितम्बर, 2004

का. आ. 2554.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अमरीकन एक्सप्रेस बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं० II नई दिल्ली के पंचाट (संदर्भ संख्या आई डी -39/91) को प्रकाशित करती है, जो केन्द्रीय सरकार की 16-9-2004 को प्राप्त हुआ था।

[सं० एल-12012/73/91-आई.आर. (बी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 17th September, 2004

S.O. 2554.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I D No. 39/91) of the Central Government Industrial Tribunal/Labour Court II New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of American Express Bank and their workman, which was received by the Central Government on 16-9-2004.

[No. L-12012/73/91-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE,
NEW DELHI**

Presiding Officer, R. N. Rai

I. D. No. 39/91

Manjit Singh

Versus

The Management of American Express Bank

AWARD

The Ministry of Labour by its letter No. L-12012/73/91/IR B-3, Central Government dt. 25-03-1991 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of American Express Bank. Travel Related Services, 8th floor, Hindustan Times House, 18-20, K. G. Marg. New Delhi, in dismissing Shri Manjit Singh, Head clerk w.e.f. 4-1-1990 is justified? If not to what relief the workman concerned is entitled to.”

The claimant has filed statement of claim. In his statement of claim, he has stated that he was appointed in

the respondent bank since October, 1980 and he was promoted at the post of Head Clerk w.e.f. 1-4-1986.

That he was drawing a salary of Rs. 3200 and he has performed 8 years service Frivolous charges were framed against him and the management issued letter dt. 22-12-1986 referring to certain vouchers and enquired about the knowledge of the workman. The workman replied that letter and expressed his innocence. On 4-3-1987, the management has issued charge sheet alleging inter alia the charges of preparing certain vouchers in the names of fictitious persons, forging the signature of Ms. Chitra Prinja, forging the signature of the approver Mr. Ashok Kalle, forging the signature of fictitious recipients. Two vouchers dt. 10-09-1986 and 6-10-1986 were paid to M/s Bhatia Electrostate and Typewriting company.

It is stated that the vouchers were not prepared by him and those vouchers were not prepared in the name of fictitious persons. The third charge relates to payment of Rs. 70 towards taxi charges for attending meeting/conference and the provisions of overtime were ignored. The enquiry was defective and an eye-wash enquiry. The workman refused the charges categorically. The management decided to hold enquiry into the alleged charges and appointed Mr. D. P. Godinho as the Enquiry Officer to hold enquiry. The workman fell ill and thereafter his wife also fell ill and he sought several adjournments but the enquiry officer did not pay any attention to his adjournment letters on the grounds of his illness and the illness of his family members. It has been stated in the statement of claim that the dismissal order is improper, unjustified, against the principles of natural justice and the enquiry was concluded without the knowledge of the workman. The workman was enquiring about the status of the enquiry from the Enquiry Officer but no response was given to him. The Disciplinary Authority informed him that the E.O. has submitted his report to the Disciplinary Authority and the Disciplinary authority gave him the date 6-11-1989 for the personal hearing. The Disciplinary Authority was pre-determined and the workman explained the whole situation but the Disciplinary authority vide his letter dated November, 11-1989 demanded documents but the Disciplinary Authority did not pass any order. The workman was not permitted to bring Mr. Trehan. The enquiry was concluded in the absence of the workman. He was dismissed from service w.e.f. 4-1-1990. The order of dismissal was improper and illegal. The workman accounts has not been settled till today. The workman made an appeal but his appeal was also dismissed.

The management has filed written statement. In the written statement, it has been stated that during the routine review conducted by the bank, irregularities and forgery were observed in payments made through some vouchers. The concerned employees were asked to explain as to what circumstances those vouchers were prepared. the workman was also informed the matter and he was asked to furnish

information regarding the preparation of those vouchers. He was not asked to explain whether vouchers were prepared by him. The workman claimed twice conveyance for one local travel. In two other cases, amount shown in the vouchers did not tally with the supporting receipts. It appeared that the recipient had been paid Rs. 1,000 on each voucher in excess of the amount due and payable. Photocopies of the three vouchers were duly enclosed with the letter and the workman was required to let the management have his response. The reply dated 6-2-1987, submitted by the workman to the management was not satisfactory. Hence the enquiry was instituted against him. The workman sent applications several times and he wanted to linger the enquiry proceedings. He expressed his innocence regarding the preparation of the vouchers. Charges were framed against the workman and enquiry Officer was appointed to enquire into the matter but the workman repeatedly sent adjournment letters. He wanted to linger the proceedings so the E. O. recorded the evidence of the witnesses and found the charges proved against the workman.

The workman has filed rejoinder and he has denied most of the paragraphs of the written statement and the management has also denied most of the paragraphs of the statement of claim. The workman has reiterated the averments of his statement of claim and he has stated that he was not afforded proper opportunity to defend himself. principles of natural justice were not followed.

The management has examined the E. O. Mr. Godinho and the workman has examined himself. Both the witnesses have been cross-examined by each other. Heard arguments from both the sides and perused the papers on the record. The management witness has stated that it is correct that he had gone to Bangkok on company standard tour alongwith some Mr. K. K. Kumar, Bankim Sahai, Sanjiv Bhatia besides many others. To the best of my knowledge, Mr. Sanjiv Bhatia is not an employee of the American express Bank. It is correct that he appeared as a witness in the enquiry against the workman before Mrs. Chitra Stenographer who was witness in the enquiry and had taken dictation during the enquiry once or twice. Several adjournments were allowed to the workman on his request due to sickness of his wife and on other grounds. It is incorrect that the adjournment was not allowed to the workman in the enquiry when his wife was sick and he had requested for the same. It is not correct that the copy of the enquiry report was not given to the workman. It is correct that medical certificates has been sent to the bank by the workman which were not accepted by the bank. the workman was advised to go to the Government Medical Officer and obtain certificate. The workman has admitted in his cross-examination that he did not report regularly for duty due to his sickness for the period January, 1987 to January, 1990. He was paid wages by the management for the period he remained absent for which he had produced

certificate of the management's Medical Officer. The workman has admitted in his cross-examination that he appeared in enquiry on 7-9-1988 and 8-11-1988. The workman has further stated in his cross-examination that he wanted to be represented by Mr. I. K. Trehan initially he was a lawyer. He did not take physically Mr. Trehan to any enquiry. He was never suspended by the management. From the perusal of the cross-examination of the workman. It appears that the enquiry was conducted on various dates but the workman participated in the enquiry on two dates i.e. 7-9-88 to 8-11-1988. the enquiry continued from January, 1987 to January, 1990 and there was 26 sittings but the workman applicant appeared on two dates only i.e. 7-9-88 and 8-11-1988. It indicates that sufficient time was given to the workman to appear before the enquiry officer and to defend himself, but he did not appear and he wanted to prolong the enquiry proceedings. The workman demanded the vouchers from the management but the management did not give the vouchers to him for his comments. There were other people just as Chitra Prinja Ashok Kalle and Mr. Bankim Sahai but these persons were not charge sheeted. He was not suspended during the enquiry, which went over for 2 years. The E. O. had not kept a separate register to note daily proceedings. The proceedings were recorded on normal papers, so that they can change the proceedings as and when required.

The E. O. had gone on a Management sponsored Foreign Tour with some of the key witnesses during the enquiry proceedings of the enquiry, which included some of the key witnesses including one Vendor Mr. Sanjiv Bhatia, who was not even employee of the bank.

Ms. Chitra Prinja, one of the signatory of the said vouchers, which became important part of initiating this enquiry, had acted as his Secretary in the Enquiry Proceedings and later a prime witness to support management contention, management witness No. 4.

The E.O. proceeded and concluded the enquiry proceedings without giving a fair chance to the petitioner, who was on medical leave due to birth of a child to his wife through caesarian operation, where the petitioner was only person to take care of his wife.

Shri Ashok Kalle did not deny that the said vouchers were signed by him. The enquiry was completed hurriedly and the workman was not afforded sufficient opportunity to defend himself. It was submitted by the management that four forged vouchers were prepared by the workman applicant in the names of Mr. Rajinder Kumar, Mr. Partap Chand, M. Mohini and Mr. M. Venkataraman. One voucher was of Rs. 2060/- and the other was of 1300/- The third was of Rs. 1560/- and the fourth was of Rs. 1530/- It was submitted by the management that all the four vouchers were prepared in the name of the forged and fictitious persons. These vouchers were prepared by the workman applicant he knew it very well so the workman applicant

avoided the enquiry deliberately and knowingly and he has no explanation to defend himself.

Investigations revealed that these vouchers were not genuine. These were pre receipted and none of the above mentioned persons had any dealings with the company. Mr. Manjit Singh is alleged to have prepared these vouchers in the names of fictitious persons who were not employed by the company and forged the signature of Ms. Chitra Prinja in the "prepared by column", forged the signature of the approver. Mr. Ashok Kalle in the "Approved by" column. Forged the signature of the fictitious recipients in the "received by" column and presented and received the payments against these vouchers from the company on false representations.

The management has examined 12 witnesses cited below :—

- MW-1 Mr. Raman Roy,
- MW-2 Mr. Sanjiv Bhatia,
- MW-3 Mr. Rahul Khosla,
- MW-4 Mr. Chitra Prinja,
- MW-5 Mr. V. K. Sakhuja,
- MW-6 Mr. Sudershan,
- MW-7 Mr. K. Kumar,
- MW-8 Mrs. Surekha Ghai,
- MW-9 Mr. Cedric Monsurate,
- MW-10 Mr. Subhash Jain,
- MW-11 Mr. Rajesh Anand,
- MW-12 Mr. Bankim Saha,

I have perused the evidence of these witnesses, MW/ 2 has stated that he is the Handwriting examiner. He was examined during the enquiry and he stated that the vouchers in question bore the signatures of Mr. Manjit Singh.

Ms. Chitra Prinja, Secretary in HR Deptt. (MW-4) stated that none of the persons by the Names of rajinder Kumar, Pratap chand, M. Mohini or M. Venkataranan worked in HR Deptt. and whenever they take on any persons for special projects or temporary help she gets to establish working relationship with them. She also stated that in the approved by column the signatures are not of Mr. Ashok Kalle.

Shri V. K. Sakhuja, handwriting expert has stated that Manjit Singh has forged the documents and tampered the documents.

Mrs. Surekha Ghai deposed that the voucher was pre-signed in the received column and since it was approved, she paid the money, she recalled that the voucher was presented for payment to her by somebody from Kashi House either Manjit Singh, Sudershan or Shankar.

MW-9 Mr. Cedric Monsurate has also accepted that the payments were made, either to Sudershan or to Manjit Singh or Shankar.

Mr. Subhash Jain, MW-10 has stated that the voucher was given to him already signed and as far as he could remember the voucher was given to him already signed and he remembered giving money to Mr. Sudershan or to Mr. Manjit Singh.

Mr. Rajesh Anand, MW-11 has also stated that the voucher was presented to him with the signatures of M. Mohini already on the voucher. As far as he could recall, this voucher was presented to him by Manjit Singh. He stated that normally the vouchers were brought by Sudershan or Manjit Singh from HT House or Kashi House. He has said the same thing in 1986 when this voucher was shown to him.

In view of the above, it transpires that independent witnesses have been examined and all the independent witnesses have stated that the vouchers were prepared by Shri Manjit Singh and in all the columns, he had forged the signatures of the employees who were concerned with the passing of the vouchers.

I have gone through the evidence of each and every witness and the statement of witnesses cogently establishes the fact that all the four vouchers were prepared by the workman applicant and he himself or Sudershan has received the money of the vouchers. From the evidence of the witnesses, it is also established that sufficient opportunity was given to the workman applicant but during the entire sittings of the enquiry, he attended enquiry only twice. He avoided the proceedings of the enquiry. He was not suspended because evidence was to be adduced regarding the preparation of the vouchers as the vouchers passed through several employees. The enquiry officer has given his report after citing the statement of each and every witness so the findings of the enquiry officer are based on the objective assessment. The workman applicant has committed forgery, though the amount involved is not very huge, still he has prepared all the four vouchers.

To illustrate, in the following circumstances, it was held that the holding of the proceedings ex-parte was justified :

- (i) Where the charged employee wanted to cross-examine the prosecution witnesses only after the examination-in-chief of all the witnesses was recorded but the inquiry officer refused to follow this procedure Bank of India v. A.K. Saha, (1994) 2 SCC 615.
- (ii) Where he intended or attempted to stultify the inquiry and his attitude was of complete non-co-operation (H. C. Sarin v. Union of India,

AIR 1976 SC 1686). The Supreme Court observed :

“It is found more often than not that Government servants who have no real defence to take against the accusations are advised, and sometimes not without success, to non-co-operate with the inquiry. It seems to us that this was one such case.”

- (iii) Where he declined to take part in the proceedings and failed to remain present [U.R. Bhatt v. Union of India, AIR 1962 SC 1334].
- (iv) Where charged employee did not appear before the inquiry officer on the dates fixed for the purpose [Shyamnarain v. Union of India, AIR 1965 Raj. 87], although inquiry was adjourned several time [Ghanshyamdas v. State of M.P., 1968 SLR 533].
- (v) Where he asked for merely without adducing any evidence [Naubat Rai v. Union of India, AIR 1953 Raj. 137].
- (vi) Where though, in terms, he did not refuse to participate, his conduct amounted to declining to take part in the proceedings [Jagdish Sekhri v. Union of India, SLR 1970 Delhi 571].

He appeared only twice from 1987 to 1990. He deliberately avoided the enquiry proceedings. As such ex-parte enquiry is valid.

He was given personal hearing on quantum of punishment so enquiry is not vitiated on any ground. Principles of natural justice have been followed and the workman applicant has been afforded proper opportunity to defend himself but he deliberately absented and he appeared only twice during January, 1987 to January, 1990. This indicates the malafide intention of the workman applicant. He did not cooperate with the enquiry officer. As such the enquiry officer was compelled to give his findings. The findings of the enquiry officer are supported by cogent evidence and as such no interference is required regarding the findings of the E.O. The enquiry is fair and is not liable to be set aside. The reference is replied thus :—

The action of the management of American Express Bank, Travel Related Services, 8th floor, Hindustan Times House, 18-20, K.G. Marg, New Delhi, in dismissing Shri Manjit Singh, Head Clerk w.e.f. 4-1-1990 is justified. The workman is not entitled to get any relief as prayed for.

The award is given accordingly.

Dt. 08-09-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2004

का. आ. 2555.—औद्योगिक विवाद अधिनियम, 1947 (47 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पुणे, महाराष्ट्र के पंचाट (संदर्भ संख्या आई टी.-4 आफ 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-2004 को प्राप्त हुआ था।

[सं एल-12012/57/2000-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 17th September, 2004

S.O. 2555.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. IT. No. 4 of 2001) of the Industrial Tribunal/Maharashtra at Pune now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 16-9-2004.

[No. L-12012/57/2000-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI V. G. INDRAL, INDUSTRIAL TRIBUNAL MAHARASHTRA AT PUNE.

REFERENCE (IT) NO. 4 OF 2001.

ADJUDICATION

BETWEEN

Management of State Bank of India, Pune,

AND

The workmen employed under them.

In the matter of termination of services of Smt. Meena Nhalve w.e.f. Oct. 1996.

Appearances: Shri D. V. Kulkarni, Adv. for First Party.
Mrs. T.M. Kolhatkar, Adv. for Second Party.

AWARD

(Date : 6-01-2004)

Second Party - Smt. Meena Gajanan Nhalve who was working on daily wages in State Bank of India, Chandkhed Branch under Zonal Office, Pune, has filed the application before the Ministry of Labour/Shram Mantralaya, New Delhi, alleging that her services are illegally terminated by the first party i.e. Asstt. General Manager, State Bank of India, Zonal Office, Pune. Said dispute was not settled before the Conciliation Officer. So, the Ministry of Labour/Shram

Mantralaya, New Delhi, referred the dispute to this Tribunal for adjudication.

2. After the receipt of reference, notices in the appropriate forms were issued to the first party and second Party. The second Party appeared and filed statement of claim at Ex. U-6. According to the second Party, she was employed as temporary peon in the Chandkhed Branch of the first party with effect from August 1995 till October 1996 on daily wages of Rs. 25/- per day. The second party has continuously rendered service with first party without any stigma. The nature of work which was allotted to the second party was permanent i.e. to clean the premises, to fill water, to make entries in the ledger. It is the grievance of the second party that for several times, she made requests to the first party to give her benefits of permanency as soon as she completed 240 days service in a year. However, the first party avoided for the same and terminated orally, the services of the second party. It is her further grievance that the first party, with a view to deprive the benefits of permanency to the second party, has prepared the record showing that Mrs. Hirabai i.e. mother of second party has served with the first party for three months. Thus, according to the second party, the action of the first party in terminating her services is illegal, as the first party has not complied the provisions of Section 25-F of the Industrial Disputes Act, 1947. The second party is in dire need of service and at present, the first party has employed other persons to do the work which the second party was doing. So, the second party has prayed that the termination of her services from October 1996 be declared as illegal and she be reinstated with full back-wages and continuity of service with effect from October 1996 onwards.

3. The first party appeared and filed written statement at Ex. C-6. The first party has denied the statement of claim of the second party. According to the first party, the second party has no right to make any grievance of her termination from services, as the job was temporary one and second party was doing the said job on daily rate wages. It is denied that the second party worked in the first party continuously for 240 days in a calendar year. The second party workman was engaged purely in casual/daily wage, temporary capacity intermittently, but without continuity in service, due to administrative exigencies as Messenger and Messenger-cum-Waterman. It is their contention that there was settlement between the first party and All India Bank of India Staff Federation in which there are terms and conditions as to how and in what way, the appointment were given to the employees. It is the contention of the first party that by Clause 12 of the said settlement dated 17-11-1987, all the disputes raised by the employees will be deemed to have been settled by virtue of this agreement. The parties to such disputes should report this agreement for being recorded by any authority like Industrial Tribunal, Labour Court as well as other Courts or any other authority before whom disputes may be pending and all such

disputes shall no longer subsist and be deemed to have been withdrawn. Likewise, as per Clause 9 of the settlement, the temporary employees shall not be entitled for any other claim including back-wages nor they will be entitled for any further chance of being considered for permanent appointment. In view of this clause, the second party has no right to pray for the benefits of permanency and reinstatement. It is denied that the second party has worked with the first party for continuous one year i.e. since August 1995 to October 1996. According to the first party, three months' salary was paid to one Smt. Hirabai Gajanan Nhavle who has done the work on daily wages. It is denied that said Hirabai worked in the Bank on behalf of the second party i.e. her daughter. According to the first party, the second party workman had worked from August 1996 to October 1996 as casual labour on daily wages on temporary capacity and therefore, has no right to claim for absorption as regular employee of the Bank. The permanent recruitment in the Bank's service in subordinate category is governed by Bipartite Settlement between the Staff Federation and Management. Branch Manager has no right or authority to make the appointments of permanent employees. As per the said settlement, zone wise waiting list of such temporary casual labourers was required to be prepared and accordingly, appointment orders are to be given. The question of compliance of provisions of Section 25-F of the I.D. Act does not arise in this reference, as the workman was not entitled to such benefits. The first party had referred some decisions of Hon'ble High Court and Supreme Court for non-application of the provisions relating to retrenchment of temporary employees. So, the first party has prayed to reject the demand.

4. On the above pleadings of the parties, following issues are framed at Ex. 0-3 and I have recorded my Findings thereon, as to reasons to follow :

1. Whether it is proved that second party worked for more than 240 days preceding her termination and first party violated Sec. 25-F of I.D. Act while issuing order of termination? — Yes
2. Whether claim of second party is not tenable in view of settlements with union? — No
3. Whether termination of second party is legal and justified? — No
4. If so, to what benefits second party is entitled? — entitled for reinstatement
5. What order as to reference? — As per final order

REASONS

5. **Issue No. 2 :** The second party has examined herself at Ex. UW-1, and has placed on record office copy of notice Ex-U-12 and one certificate dated 14-5-1997 issued by the Manager of the first party showing the working days of second party and the same is at Ex. U-16. The first party has examined Ramesh Shankar Wani, at Ex. CW-1 who was working as Branch Manager at Chandkhed Branch of first party. The first party has placed on record zerox copy of vouchers and applications given by the second party and the same are at Ex. C-13/1 to 61 and Ex. C-12/1 to 19. This much is the oral and documentary evidence placed on record by both the parties.

6. It is the contention of the first party that in view of settlement dated 17-11-1987 between first party and All India State Bank of India Staff Federation, the second party has no right to ask for reinstatement. However, the first party has not proved the said copy of the settlement of the first party bank with the Federation and therefore, it cannot be read in evidence. Considering this aspect, in any case, it could not be held that the claim of the second party is not tenable in view of the settlement with the union. I, therefore, answer Issue No. 2 in the negative.

7. **Issues 1 & 3 :** These issues being inter-related with each other, I deal with them together. It is the grievance of the second party that she worked with the first party for 240 days and the action on the part of the first party terminating her services is not legal and justified. According to the first party, the second party was working on daily wages and therefore, not entitled to get any benefit and it would not amount to contravention of provisions of Section 25-F of the I.D. Act. In order to ascertain this, I have to see whether the second party has proved that she was in continuous service for 240 days in a year and it would amount to 'continuous service' as defined in Sec. 25-B of the I.D. Act. I have carefully gone through the record and this is a unique case in which although the first party is doing the banking business, they have not issued any written appointment order to the second party. However, the first party did not dispute the fact that the second Party was appointed on daily wages for the period in between August 1995 to October 1996. I have gone through the evidence of second party Meena, Ex. UW-1 who has stated that she was working in first party as temporary peon August 1995 to October 1996. She has further stated that no break was given to her and she received the payment under vouchers. She has stated that the first party paid wages under vouchers for last three months in the name of her mother Hirabai, She has stated that during that period, she was actually working and her mother did not work in the first party.

8. From this version of the second party workman, it can be inferred that in order to deprive the second party from getting any protection of law, said vouchers for last three months were prepared in the name of Hirabai—mother of the second party. I am saying so, because CW-I Ramesh Wani in cross-examination admits that the second party was doing work of 3/4th the sanctioned post of messenger during August 1995 to July 1996. He admits the certificate Ex. U-16 issued to the second party by the Branch Manager. In that statement, it is mentioned that in between the period of August 1995 to December 1995, second party has worked for about 110 days and in between the period of January 1996 to October 1996, she worked for 185 days. If we calculate the working days of the second party for the months of August 1995 to July 1996 i.e. for 12 months, it appears from Ex. U-16 that she worked for about 275 days during the period of one year. UW-1 Meena has stated that after October 1996, first party told her not to attend work and therefore, she had given notice through Advocate Hirave. This version of the second party workman has not been challenged by the first party and so, I find no difficulty to hold that the first party terminated the services of the second party from November 1996. In cross-examination, it was asked to UW-1 Meena in respect of zerox copy of application dated 10-8-1996 and she admits that it bears thumb impression of her mother Hirabai, She further admits that her mother Hirabai had worked in first party Bank during the said period i.e. 10-8-1996. However, the same is not fatal to the case of the second party as the period of 12 months is concluded after July 1996 and the work done by mother of the second party for the month of August 1996 is not shown in Ex. U-16. In cross-examination, it was asked to second party Meena regarding the wages paid to her mother. She has stated that when she was demanding the amount from the first party, the amount was not paid to her and the officials of the bank paid the amount to her mother in the house. It is true that in cross-examination, she has stated that she had not complained about it. It is also not expected from the second party to make any complaint against the employer with whom she was serving as temporary employee.

9. I have gone through the definition of 'continuous service' as given in Section 25B of the I.D. Act, 1947 and it provides that a workman who has actually worked under the employer for not less than 240 days during the period of 12 months shall be deemed to have been in continuous service for a period of one year whether or not he has in fact been in such continuous service for a period of one year. It is enough that he has worked for 240 days in a period of 12 months. So, in view of this definition coupled with the certificate Ex. U-16 issued by the first party, I have least hesitation to hold that the second party has

proved that she worked in the first party for 240 days continuous in a year. It is true that in Ex. U-16, it has been shown that the second party has worked for 20 days in August 1995, 20 days in September 1995, 22 days in October 1995, 24 days in November 1995 and December 1995 as well as 24 days in January 1996, 26 days in February 1996, 20 days in March 1996, 21 days in April 1996, 31 days in May 1996, 20 days in June 1996, 23 days in July 1996 and 20 days in October 1996. From the working days shown in Ex. U-16, it appears that the second party must have actually worked on holidays to the Bank. So, the actual work must include Sundays and other paid holidays for reckoning the number of days on which the workman is said to have actually worked. If any ruling is required on this point, I rely upon the ruling reported in 1985 II L.L.J. p. 539 - Supreme Court—The Workmen of American Express International Banking Corporation v/s. The Management of American Express International Banking Corporation. In this case law, the expression “actually worked under the employer” has been explained as :

“The expression “actually worked under the employer” cannot mean those days only when the workmen worked with the hammer, sickle or pen but must necessarily comprehend all those days during which he was in the employment of the employer and for which he had been paid wages either under express or implied contract of service or by compulsion of statute, Standing Orders, etc. The explanation to S. 25B (2) is only clarificatory and cannot be used to limit the expanse of the main provision. It cannot be said that only those days which are mentioned in the explanation should be taken into account for the purpose of calculating the number of days on which the workmen had actually worked though he had not so worked and no other days.”

In view of the ratio laid down in the said case law, it can be very well held that the second party worked with the first party for 240 days continuous in a year. So, it can be held that she was in continuous service with the first party.

10. According to the first party, the nature of work which the second party was doing was of temporary and casual nature; she was not appointed on vacant post and therefore, not entitled to get any benefit. On this point, I have gone through the evidence of CW-1 Ramesh Wani, who in cross-examination has admitted that during August 1995 to July 1996, anybody was not working on 3/4th sanctioned post of messenger. He has further stated that second party was doing work of 3/4th sanctioned post of messenger during August 1995 to July 1996. In view of this

admission of CW-1 Wani, it could be held that the second party was working on sanctioned post of messenger. Mrs. Kolhatkar, learned Counsel for the second party has submitted that the work which the second party was doing regarding cleaning the bank, filling of drinking water, carrying ledgers for entry, was of permanent nature and she was doing the work on sanctioned post. I find force in this submission, as the first party has not placed on record any documents to show that the second party was not doing the work on sanctioned post. On the contrary, in cross-examination, CW-1 Ramesh has deposed contrary versions, at one place he has stated that the second party was not working against any sanctioned post and at another place, he has stated that second party was doing work of 3/4th sanctioned post of messenger during that period. So, from the evidence on record, it is proved that the second party has worked in first party for 240 days continuous in a year. So, the action on the part of the first party terminating the services of the second party is not justified.

11. Shri D. V. Kulkarni, learned Counsel for the first party has relied upon in all 15 rulings as shown in Ex. C-21. I have gone through those rulings and the same are distinguished, categorically, i.e. firstly delay in filing the reference, secondly on Section 25B of the I.D. Act and thirdly ratio laid down by Supreme Court in respect of employees appointed on daily wages.

12. First, I would like to discuss the rulings which are cited on the point of delay in filing the reference. Shri Kulkarni has relied upon the ruling reported in 1959 II L.L.J. p. 26 — Supreme Court between Shalimar Works Ltd. and Its workmen. In this case law, it has been held that relief of reinstatement ought not to be given on such a vague and much-delayed reference and it is necessary that a dispute relating to reinstatement of a large number of workmen should be referred for adjudication within a reasonable time. It has been further held that the reference did not specify the names of the concerned workmen and therefore, held to be vague. Such is not the case in the case before me and therefore, the ratio laid down in the said case law is not applicable.

13. Shri Kulkarni has further relied upon the ruling reported in 1964 II L.L.J. p. 351 — Supreme Court — Bombay Union of Journalists and others v/s. State of Bombay and another. In this case law, it has been held that in writ jurisdiction it is not proper to issue writ of mandamus employer to reconsider the question of reference. Such is not the case in the case before me and therefore, the ratio is not applicable.

14. Shri D.V. Kulkarni further relied upon the ruling reported in 1970 II L.L.J. 306—Supreme Court—Ramakrishna Ramnath v/s. The Presiding Officer, Labour Court, Nagpur and another. In this case law, the employer closed down the business on account of unavoidable circumstances beyond the control of the employer within the meaning of proviso to Section 25FFF (1) of the I.D. Act and the applicant in such a case, held, need not prove that he has worked 240 days in each year of service but should prove that in the year preceding the date of closure, he had actually worked for 240 days as required under S.25B of the I.D. Act. Such is not the case here and therefore, the ratio is not applicable to the instant case.

15. Shri Kulkarni has further relied upon the ruling reported in 1988 Lab. I.C. 867—Punjab & Haryana High Court—Ram Lakhan Singh v/s. The Presiding Officer, Labour Court, Chandigarh and another. In this case law, it has been held that part-time workman is not covered by I.D. Act and is not entitled to benefit under S.25-F of the I.D. Act. It is not the case of the first party that second party was working as part-time employee and therefore, the ratio is not applicable to the instant case.

16. He has further relied upon the ruling reported in 1992 II L.L.J. 452—Supreme Court—Delhi Development Horticulture Employees Union v/s. Delhi Administration Delhi & Ors. I have carefully gone through the ratio laid down in the said case law in which the directions are given to Delhi Administration to keep the employees on panel and if they are registered with the employment exchange and are qualified to be appointed on the relevant posts, give them preference in employment whenever there occurs a vacancy in the regular posts. These facts are distinct from the facts of the case before me and therefore, the ratio is not applicable.

17. Shri Kulkarni has further relied upon the ruling reported in 1993 I.C.L.R.697—Bombay High Court—R. Ganeshan v/s. Union of India & Ors. In this case Law, it has been held that when an application for making a reference is made after an inordinate delay, the same can be a just and proper ground for refusing to make reference. I have gone through the facts of the said case law in which there was inordinate delay of 7 years in making the reference and therefore, it has been held that it is a just and proper ground for refusing to make reference. Such is not the case in the case before me, as due to correspondence between the parties, the delay of 3 to 4 years is caused and the same cannot be held as inordinate delay and therefore, the ratio in the said case law is not applicable.

18. Shri Kulkarni further relied upon the ruling reported in 1997 II L.L.J. 814—Supreme Court—Syndicate Bank and Ors. v. Shankar Paul and Ors. I have carefully gone through the ratio laid down in the said case law in which it has been held that recruitment on temporary vacancies and Bank prepared temporary panel for appointment for

the post of attainers and validity of panel was for one year. So, it was held that employees to secure temporary appointments based on temporary panel cannot claim right for permanent absorption based on the inclusion on names in the Panel. The facts are distinct and therefore, the ratio is not applicable.

19. He has further relied upon the ruling reported in 1999 II L.L.J. 59—Orissa High Court—Abhimanyu Mandal & Others v/s. State Bank of India & Others. It is on the point of panel of temporary employees, daily wagers and casual labour and held that question of regularisation does not arise thereafter. In the instant case, the first party has failed to prove the alleged agreement with the Federations the year 1987 and therefore, the ratio laid down in the said case law is not applicable.

20. Shri Kulkarni has further relied upon the ruling reported in 1997 II C.L.R. 15—Supreme Court—Himanshu Kumar Vidyarthi & Ors. v. State of Bihar & Ors. I have carefully gone through the ratio laid down in this case law wherein it has been held that the petitioners were daily wage employees in Co-operative Training Institute and their services came to be terminated without complying with S.25-F of the I.D. Act - Held that the petitioners are temporary daily wage employees, that they were not appointed to the posts in accordance with the rules and that as such, their disengagement from service cannot be construed to be retrenchment nor can the same be arbitrary. They are therefore not entitled to any relief. Such is not the case in the case before me as the witness of the first party has admitted that the second party was doing the work of 3/4th sanctioned post. So, the ratio laid down in the said case law is not applicable to the instant case.

21. Shri Kulkarni has further relied upon the ruling reported in 1999 Lab. I.C. 2662—Allahabad High Court—Channey Lal and other v/s. Director, Malaria Research Centre, New Delhi and another. In this case law, Hon'ble High Court has followed the ratio laid down in the case of Himanshu Kumar Vidyarthi v. State of Bihar reported in 1997 II C.L.R. 15 and held that daily wagers working in project under Indian Council of Medical Research are not entitled to get benefit of Section 25F of I.D. Act and they have no right to say that their services could not be terminated. The ratio laid down in the said case law is not applicable as the first party admits that the second party was working on 3/4th sanctioned post of messenger.

22. Shri Kulkarni has further relied upon the ruling reported in 2001 I L.L.J. 742—Supreme Court—Deep Chandra v/s. State of U.P. and another. In this case law, it has been held that violation of procedure prescribed in Sec. 25-F of I.D. Act in case of employee having put in service for more than 240 days in each year for several years - employee to be reinstated in service on same conditions as before termination. In fact, the ratio laid down in the said case law is applicable to the cases of the second

party, as it is proved that the second party worked with the first party for 240 days continuous in a year.

23. Shri Kulkarni has further relied upon the ruling reported in 2002 (94) F.L.R. 622 - Supreme Court - Range Forest Officer v/s. S.T. Hadimani. In this case law, it has been held that onus is on the workman to prove that he has worked for more than 240 days in the year preceding and the finding of the Labour Court in placing the onus on the management was not correct. In the instant case, the second party workman has proved that she worked for more than 240 days in the year preceding and the same is supported by admission of witness of first party as well as document, Ex. U-16.

24. Lastly, Shri D.V. Kulkarni has relied upon the ruling reported in 2002(94) F.L.R. 479 - Bombay High Court Aurangabad Bench-Chief Executive Officer, Zilla Parishad v/s. Shahezadbis and another. I have carefully gone through the ratio laid down in the said case law in which it has been held that the delay in making the reference is ground to reject the reference. It has been further held that when there is no proof and no record to show that the worker has worked for 240 days against any permanent vacancy, then, the worker is not entitled to get reinstatement, as it would amount to back door entry. Such is not the case in the case before me, as the witness of first party has admitted that the second party was doing the work of 3/4th sanctioned post. So, the ratio laid down in the said case law is not at all applicable.

25. Having regard to the above said legal position, it appears that the action of the first party terminating the services of the second party is not justified and it is in violation of Section 25-F of the I.D. Act. I therefore, answer Issues 1 & 3 accordingly.

26. In view of findings on Issues 1 to 3, the second party is entitled to reinstatement on the post on par with Class IV employee of the first party. However, considering the fact that there is delay of 3 to 4 years in making the reference, I do not think it just and proper to grant the relief of back-wages as well as continuity of service, as there is no evidence on record that the second party has tried to get job during that period and she could not get it. So, I am not inclined to award any back-wages and continuity of service to the second party. Thus, the fact that the second party has worked for 240 days continuous in a year, is entitled to get the benefit of permanency as per Model Standing orders. So, I hold that the second party is entitled to reinstatement, without back-wages and without continuity of service, after one month from the date of publication of the award. Accordingly, I answer Issue No. 4.

27. Having regard to the above-said reasons, it appears that although the first party is doing the business of banking, they have not intentionally issued any appointment order and got done the work orally on payment of daily wages for continuous period of one year. Likewise,

the conduct of the first party in preparing some vouchers for payment of daily wages to the mother of the second party itself shows the intention of the first party to deprive the second party from getting any benefits and so, the action of the first party terminating the services of the second party is not justifiable. I am saying so, because the law does not contemplate that the employer should appoint some persons on daily wages orally and on one fine morning, he should terminate the services without assigning any reasons. This action on the part of the employer certainly amounts to arbitrary and not justifiable and the law does not allow such employer to act illegally and to defeat the rights of the employees. After all, labour laws are social welfare legislation and they are made to protect the interests of the employees from illegal termination of services. Considering this aspect, the reference deserves to be allowed. In result, I pass the following order :

ORDER

1. Reference is allowed.
2. The first party is hereby directed to reinstate the second party workman as permanent Class IV employee, without back-wages and without continuity of service, within one month from the date of publication of Award.
3. Award be drawn accordingly.
4. In the circumstances, no order as to costs.

V. G. INDRALE, Industrial Tribunal

नई दिल्ली, 29 सितम्बर, 2004

का. आ. 2556.—जबकि मैसर्स एस डी बी सिस्को (आई) लिमि. (टी एन/7919) (एतदुपरांत उक्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) (एतदुपरांत उक्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खंड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

और जबकि केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं हैं और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरांत उक्त योजना के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

अतः अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में केन्द्र सरकार द्वारा समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते

हुए केन्द्र सरकार एतद्वारा उक्त प्रतिष्ठान को 1-1-1992 से अगली अधिसूचना तक के लिए उक्त योजना के समस्त उपबंधों के प्रचालन से मुक्त करती है।

[सं० एस-35015/5/2004-एस एस-II]

संयुक्ता राय, अवर सचिव

New Delhi, the 29th September, 2004

S.O. 2556.—Whereas M/s. SDB CISCO (I) Ltd. (TN/7919) (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Fund Scheme, 1952 (hereinafter referred to as the said scheme) in relation to the employees in any other establishment of similar character.

Now, therefore, in exercise of the powers conferred by clause (a) of Sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 1-1-1992, until further notification.

[No. S-35015/5/2004-SS-II]

SANJUKTA RAY, Under Secy.

नई दिल्ली, 30 सितम्बर, 2004

का. आ. 2557.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91 के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के प्रवर्तन से मैसर्स मंगलौर रिफाइनरीज एन्ड पेट्रोकेमिकल्स लिमिटेड, मंगलौर में नियुक्त नियमित कर्मचारियों को 1 अप्रैल, 2003 से 30 सितम्बर, 2004 तक जिसमें यह दिनांक भी सम्मिलित है, की अवधि के लिए छूट प्रदान करती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात् :—

- (1) पूर्वोक्त प्रतिष्ठान जिसमें कर्मचारी नियोजित है, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदनाम दिखाये जायेंगे।
- (2) इस छूट के होते हुए भी कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे जिनको करने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की

तारीख से पूर्व संदत्त अंशदान के आधार पर हकदार हो जाते,

- (3) छूट प्राप्त अवधि के लिए यदि कोई अंशदान पहले ही किए जा चुके हों तो वे वापस नहीं किए जायेंगे,
- (4) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियां ऐसे प्रारूप में और ऐसी विशिष्टताओं सहित देगा जो कर्मचारी राज्य बीमा सामान्य विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देती थी,
- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी :—
 - (i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरण की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ,
 - (ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा युक्त अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गए थे या नहीं, या
 - (iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन लाभों को, जिसके प्रतिफल स्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं, या
 - (iv) निम्नलिखित का प्राधिकार देने हेतु यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं :
- (क) प्रधान या आसन्न नियोजक से अपेक्षा करने कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है,
- (ख) ऐसे प्रधान या आसन्न नियोजक के अधिभोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों, नियोजन एवं मजदूरी के संदाय से संबंधित ऐसे लेखा बहियां और अन्य दस्तावेज ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे, जिसे वे आवश्यक समझते हैं, या
- (ग) प्रधान या आसन्न नियोजक की, उसके अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी

के पास यह विश्वास करने का युक्तियुक्त कारण है कि यह कर्मचारी है, परीक्षा करना या

- (च) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा बही या अन्य दस्तावेज की नकल तैयार करना या उससे उदाहरण लेना।

[सं० एस-38014/3/2003-एस एस-I]

के. सी. जैन, निदेशक

व्याख्यात्मक ज्ञापन.— इस मामले में भूतलक्षी प्रभाव से छूट देना आवश्यक हो गया है क्योंकि छूट के लिए दिए गए आवेदनों की प्रक्रिया में समय लगा। तथापि, यह प्रमाणित किया जाता है कि भूतलक्षी प्रभाव से छूट प्रदान करने से किसी व्यक्ति पर विपरीत प्रभाव नहीं पड़ेगा।

New Delhi, the 30th September, 2004

S.O. 2557.—In exercise of the power conferred by Section 88 read with Section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby exempts the regular employees of M/s. Mangalore Refineries and Petrochemicals Limited, Mangalore from the operation of the said Act for the period from 1st April, 2003 up to and inclusive of the 30th September, 2004.

2. The above exemption is subject to the following conditions namely :—

- (1) The aforesaid establishment wherein the employers are employed shall maintain a register showing the name and designations of the exempted employees'.
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refundable;
- (4) The employer of the said factory/establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any inspector appointed by the Corporation under sub-section (1) of Section 45 of the said ESI Act or other official of the Corporation authorized in this behalf shall, for the purpose of:—
 - (i) Verifying the particulars contained in any returned submitted under sub-

section (1) of Section 44 of the said period; or

- (ii) Ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) Ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) Ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory to empowered to :
 - (a) Require the principal or immediate employer to furnish to him such information as he may consider necessary; or
 - (b) Enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine account books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) Examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
 - (d) Make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises,

[No. S-38014/3/2003-SS-I]

K. C. JAIN, Director

Explanatory Memorandum.—It has become necessary to give retrospective effect to the exemption in this case as processing of the applications for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of any body adversely.

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